



Lambeth Adult Safeguarding Board

# PRODUCING AN ADULT SAFEGUARDING POLICY AND PROCEDURE

## GUIDANCE

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# **1 Purpose, context and objective**

The aim of this guidance is to support organisations and services working with Lambeth citizens which need to produce an adult safeguarding policy and procedure. It provides recommended content and a suggested structure. Each organisation will however be different and will need to use this guidance to create a policy and procedure that reflects the needs of their organisation and their service users.

## 2 Scope

Lambeth Safeguarding Adults Board expects this guidance to be followed by any organisation that works with Lambeth citizens.

Paragraph 14.52 of the Care and Support statutory guidance says “In any organisation, there should be adult safeguarding policies and procedures.”

Paragraph 14.223 of the Care and Support statutory guidance says “All voluntary organisations that work with adults need to have safeguarding procedures and lead officers.”

## **3 Considerations in developing your policy and procedures**

### **3.1 Be prepared**

Get your policy and procedures in place. Don't wait until you are faced with a situation that may involve abuse or neglect before you start working out how your organisation should respond to such situations.

### **3.2 Do not re-invent the wheel**

Much of the information your organisation needs is already detailed in this guidance document and the [London Multi-Agency Adult Safeguarding Policy and Procedures](#).

### **3.3 Make your policy and procedures relevant to your organisation**

It is not enough to just adopt the guidance provided or edit this. It is necessary to consider how systems for safeguarding adults will work within your organisation and to make sure that the policy/procedure you produce reflects this.

### **3.4 Use this guidance as a starting point**

There is no requirement to adopt the structure suggested within this guidance document or for a policy and procedure to be limited to the recommended content. Tailor your policy and procedure to the needs of your service users and your organisation. Any Policy and Procedure produced must however be consistent with the London Multi-Agency Adult Safeguarding Policy and Procedures.

### **3.5 Make sure that people know about the policy**

A policy has no value unless the people who need to know about it, do. Make sure that your managers, staff and volunteers have read it and understand it. Make sure it is referred to in training/induction and supervision. Make sure your service users know how to report abuse.

### **3.6 Make sure it is kept up to date**

Make sure the policy/procedures are reviewed and kept up to date. When reviewing your policy and procedures, check whether this guidance document has been updated.

### **3.7 Do not forget your responsibility to children and young people**

Even if your organisation only provides services to adults, your organisation still has a duty to act on concerns relating to the safety and wellbeing of children or young people. You may well also need to have a Safeguarding Children and Young People policy.

## 4 Suggested content for an adult safeguarding policy

### 4.1 Context

Adult safeguarding work is about protecting adults with care and support needs from abuse and neglect, and about responding well when adults with care and support needs are experiencing or are at risk of abuse or neglect.

Adult safeguarding work in Lambeth takes place in the context of

- The Care Act 2014: This sets out the duties and powers in law around adult safeguarding issues. It says the local authority is the lead agency on responding to adult safeguarding concerns and that Safeguarding Adults Boards (SAB) have the strategic lead for their area;
- The Care and Support Statutory Guidance: This gives detail about what must and should be done in relation to adult safeguarding issues. As it is statutory guidance, it must be followed unless you have good reason not to
- The London Multi-Agency Adult Safeguarding Policy and Procedures: This gives the framework adopted across London for multi-agency responses to adult safeguarding concerns. Lambeth SAB have adopted it as their main policy and procedure
- Lambeth Safeguarding Adults Board policy and procedure: This supplements the London policy and procedure, giving the local context

### 4.2 Policy Statements

*Use this section to set out your organisation's commitment to safeguarding adults at risk. It is this section that tells your staff, employees and volunteers as well as services users how important the issue of safeguarding adults is to your organisation.*

*This section meets the requirements of paragraphs 14.11 and 14.52 of the Care and Support statutory guidance, so when making any changes refer to those.*

The organisation will not tolerate the abuse of adults with care and support needs. It is committed to promoting wellbeing, preventing harm and responding effectively if concerns are raised

The organisation is committed to the aims of adult safeguarding

- prevent harm and reduce the risk of abuse or neglect to adults with care and support needs
- stop abuse or neglect wherever possible
- safeguard adults in a way that supports them in making choices and having control about how they want to live
- promote an approach that concentrates on improving life for the adults concerned
- raise public awareness so that communities as a whole, alongside professionals, play their part in preventing,

- identifying and responding to abuse and neglect
- provide information and support in accessible ways to help people understand the different types of abuse, how to stay safe and what to do to raise a concern about the safety or well-being of an adult
- address what has caused the abuse or neglect

To contribute to meeting these aims, we will

- Manage our services in a way which minimises the risk of abuse occurring
- Work with adults with care and support needs and other agencies to end any abuse that is taking place

To achieve these aims we will

- Ensure that all managers, employees and volunteers have access to and are familiar with this safeguarding adult policy and procedure and their responsibilities within it
- Ensure concerns or allegations of abuse are always taken seriously
- Ensure the Mental Capacity Act is used to make decisions on behalf of those adults at risk who are unable to make particular decisions for themselves.
- Ensure all staff receive training in relation safeguarding adults at a level relevant to their role.
- Ensure that people using our services, and where relevant their relatives and their friends, have access to information about how to report concerns or allegations of abuse.
- Ensure there is a named lead person to promote adult safeguarding awareness and practice within the organisation

This policy and procedure has been developed to be consistent with the London Multi-Agency Adult Safeguarding Policy and Procedures.

### **4.3 Definitions**

*Use this section to define and describe relevant terms so that everyone in your organisation can refer to the policy and procedures and understand its content. A number of headings are suggested here, but these could be added to.*

#### **4.3.1 Who does adult safeguarding apply to?**

The definition of adults that adult safeguarding processes may apply to is set out in section 42 of the Care Act 2014. They are people who:

- are aged 18 years or more, and
- have needs for care and support (whether or not these are currently being met),

- are experiencing, or are at risk of, abuse or neglect, and
- as a result of those needs are unable to protect themselves against the abuse or neglect or the risk of it.

This includes adults with physical, sensory and mental impairments and learning disabilities, however those impairments have arisen, such as whether present from birth or due to advancing age, chronic illness or injury.

Also included are people with a mental illness, dementia or other memory impairments, and people who misuse substances or alcohol.

In this policy and procedure the term “adult” means people coming within this definition.

#### **4.3.2 What is abuse?**

Abuse can take many forms and the circumstances of the individual should always be considered. It may consist of a single act or repeated acts. The following are examples of issues that would be considered as abuse or neglect:

- **Physical abuse** includes hitting, slapping, pushing, kicking, misuse of medication, unlawful or inappropriate restraint, or inappropriate physical sanctions.
- **Domestic abuse** is “an incident or pattern of incidents of controlling, coercive or threatening behaviour, violence or abuse... by someone who is or has been an intimate partner or family member regardless of gender or sexuality” (Home Office, 2013). Domestic violence and abuse may include psychological, physical, sexual, financial, emotional abuse; as well as so called ‘honour’ based violence, forced marriage and female genital mutilation.
- **Sexual abuse** includes rape and sexual assault or sexual acts to which the adult at risk has not consented, or could not consent or was pressured into consenting.
- **Psychological abuse** includes emotional abuse, threats of harm or abandonment, deprivation of contact, humiliation, blaming, controlling, intimidation, coercion, harassment, verbal abuse, cyber bullying, isolation or unreasonable and unjustified withdrawal from services or supportive networks.
- **Financial and material abuse** includes theft, fraud, exploitation, pressure in connection with wills, property or inheritance or financial transactions, or the misuse or misappropriation of property, possessions or benefits.
- **Modern slavery** includes human trafficking, forced labour and domestic servitude. Traffickers and slave masters use the means they have at their disposal to coerce, deceive and force individuals into a life of abuse, servitude and inhuman treatment.
- **Neglect and acts of omission** includes ignoring medical or physical care needs, failure to provide access to appropriate health, social care or educational services, the withholding of the necessities of life, such as medication, adequate nutrition and heating.
- **Discriminatory abuse** includes abuse based on a person’s race, sex, disability, faith, sexual orientation, or age; other forms of harassment, slurs or similar treatment or hate crime/hate incident.

- **Organisational abuse** includes neglect and poor practice within an institution or specific care setting such as a hospital or care home, for example, or in relation to care provided in one's own home. This may range from one off incidents to on-going ill-treatment. It can be through neglect or poor professional practice as a result of the structure, policies, processes and practices within an organisation.
- **Self-neglect** covers a wide range of behaviours, such as neglecting to care for one's personal hygiene, health or surroundings and includes behaviours such as hoarding. A safeguarding response in relation to self-neglect may be appropriate where:
  - a person is declining assistance in relation to their care and support needs, and
  - the impact of their decision, has or is likely to have a substantial impact on their overall individual wellbeing

### **4.3.3 What is an adult safeguarding enquiry?**

Section 42 of the Care Act 2014 says that when the tests are met (an adult who is experiencing or at risk of abuse or neglect which they cannot protect themselves from because of their care and support needs) there must be an adult safeguarding enquiry.

The objectives of an adult safeguarding 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

The Care Act does not specify what an enquiry will consist of, nor does it create any powers for carrying out an adult safeguarding enquiry. An adult safeguarding enquiry is simply the collection of whatever actions using existing powers, duties and processes is needed to meet the purposes. The benefit of putting the matter in to an adult safeguarding framework is

- To ensure there is proper recognition of the abuse and neglect issue
- To help the multi-agency response to the concern do the best at involving the right organisations and people, sharing information between them, having a shared understanding of the risks and how to respond to them, and to minimise duplication of effort
- To give a focus on ensuring the care and support needs of the person are taken account of

## 4.4 Raising awareness

*Use this section to describe what you will do to raise awareness of adult safeguarding issues*

*Paragraph 14.195 of the Care and Support statutory guidance says “All commissioners or providers of services in the public, voluntary or private sectors should disseminate information about the multi-agency policy and procedures. Staff should be made aware through internal guidelines of what to do when they suspect or encounter abuse of adults in vulnerable situations. This should be incorporated in staff manuals or handbooks detailing terms and conditions of appointment and other employment procedures so that individual staff members will be aware of their responsibilities in relation to safeguarding adults”*

*Paragraph 14.195 of the Care and Support statutory guidance says “This information should emphasise that all those who express concern will be treated seriously and will receive a positive response from managers.”*

## 4.5 Key Roles

*Use this section to describe which people/posts are responsible for the various adult safeguarding roles within your organisation. It is helpful to be as clear as possible so there is no confusion in the event that an incident of abuse needs to be responded to. For example; Every member of staff and volunteer has a responsibility to act on concerns of possible abuse and must inform the organisation’s Safeguarding Concerns Manager.*

### 4.5.1 The role of the local authority in an adult safeguarding enquiry

Though the actions to carry out an adult safeguarding enquiry and the actions to apply what has been learned when the enquiry has been completed might be undertaken by a range of organisations, local authorities have a particular role which they cannot delegate to others.

Where an adult safeguarding enquiry is required, the local authority must

- Decide what enquiries it thinks are necessary to make up the adult safeguarding enquiry;
- Make those enquiries or cause others to make them; and
- When the enquiry is completed it must decide whether any action should be taken, and if so, what and by whom.

In Lambeth, this role is taken on by the social work team in adult social care or, where the adult’s care and support needs relate to serious mental health issues, by the integrated health and social care services for people with mental health needs managed by the South London and Maudsley NHS Mental Health Trust (SLaM). For the purposes of clarity, in this policy and procedure the term “adult social care” is used to mean the relevant service for that person.

Where the local authority requires another organisation to carry out enquiries in connection with an adult safeguarding concern, the local authority is required to ensure that these enquiries are carried out satisfactorily. Where they have not been, the local authority may need to carry out those enquiries itself.

The local authority may also decide to carry out enquiries itself rather than require another organisation to do so if there are issues that mean the local authority is best placed to make those enquiries. This might arise, for example, where a conflict of interest might arise if the other organisation were to undertake then enquiries.

#### **4.5.2 Safeguarding Adults Manager (SAM)**

The SAM role is defined in the London Safeguarding Adults Policy and Procedures. It is the person responsible for overseeing the carrying out of an adult safeguarding enquiry. In Lambeth this will typically be a Team Manager or a senior Social Worker in an adult social care team.

#### **4.5.3 Safeguarding Enquiry Officer**

This is the person who will lead on the carrying out of the enquiry, under the instruction of the SAM. In Lambeth this will typically be a Social Worker in an adult social care team. Where the adult safeguarding enquiry is being led by a team in SLaM it might be a Social Worker, Nurse or Occupational Therapist in that team

#### **4.5.4 Safeguarding Concerns Manager:**

The Safeguarding Concerns Manager has the responsibility to decide whether it is appropriate to refer a safeguarding concern to the local authority and what other actions might be needed.

*[Who will be acting at the Safeguarding Concerns Manager for your organisation? Examples might be the overall manager, a designated officer or on-call manager]*

#### **4.5.5 Organisational lead for safeguarding adults**

*[Who will be the organisational lead for safeguarding adults for your organisation? For example; who is responsible for ensuring this policy and procedure is reviewed and up to date? Who is responsible for ensuring staff have appropriate training and information to fulfil their roles?]*

### **4.6 The role of all staff**

*This section meets the expectations of paragraph 14.51 of the Care and Support statutory guidance. You should ensure any changes are in line with those requirements*

*Paragraph 14.52 of the Care and Support statutory guidance says “Procedures may include a statement of roles and responsibility, authority and accountability sufficiently specific to ensure that all staff and volunteers understand their role and limitations”*

#### **4.6.1 Expectations on all staff and volunteers**

Anyone who may come in to contact with adults with care and support needs, whether in a volunteer or paid role, must understand their own role and responsibilities regarding adult safeguarding

- They must be aware of the London Multi-Agency Adult Safeguarding Policy and Procedures
- They must keep their knowledge and skills up to date by meeting the training requirements expected of their role
- They must understand what is expected of them if they become aware that an adult with care and support needs is experiencing or is at risk of abuse or neglect
- They must take all reasonable actions in line with those expectations
- They must take all reasonable actions to prevent adults with care and support needs from experiencing abuse and neglect

Expectations on managers

#### **4.6.2 Managers of volunteers and staff must**

- Ensure the people they manage are made aware of the expectations on them regarding adult safeguarding issues
- Have access to the support they need in order to meet those expectations

#### **4.6.3 Support to staff to meet these expectations**

*Set out here the arrangement for staff to have support on adult safeguarding matters. This should include how to access practical and legal guidance, advice and support. There may be particular arrangements for managers or others in key roles, including those key roles mentioned above.*

## **4.7 Safe Employment**

*This section should outline the organisation’s commitment to safe employment, thereby reducing the risk of exposing adults at risk to people unsuitable to work with them. This section need not be extensive and could helpfully cross reference to your organisations relevant Human Resource policies/procedures.*

*For example, a section could include statements such as:*

- The organisation is committed to achieving best practice in respect to the safe recruitment of employees and volunteers;

- The organisation is committed to working within best practice as established by the Disclosure and Barring Scheme (DBS)

Refer to the [relevant Human Resource Policies] for further information.

## **4.8 Adult Safeguarding Strategy**

*There is no obligation on organisations to have an adult safeguarding strategy, but many find it useful to do so.*

*Paragraph 14.67 of the Care and Support statutory guidance says “Policies and strategies for safeguarding adults should include measures to minimise the circumstances, including isolation, which make adults vulnerable to abuse.”*

*Arrangements for an adult safeguarding strategy might include*

- Who is responsible for producing it
- What the arrangements are for adopting it
- How it will fit in with the strategic plan of the local Safeguarding Adults Board, and any other relevant partnerships and strategies
- How progress will be monitored and reported on
- What period it covers, and what the process is for reviewing it and producing the next one

## **4.9 Information sharing arrangements**

*Paragraph 14.43 of the Care and Support statutory guidance says “All organisations must have arrangements in place which set out clearly the processes and the principles for sharing information between each other, with other professionals and the SAB; this could be via an Information Sharing Agreement to formalise the arrangements.”*

*Appendix 2 of the London Multi Agency Safeguarding Adults Policy and Procedures sets out expectations and gives good practice advice on information governance*

*The Lambeth Information Sharing Agreement is a general information sharing agreement for organisations in Lambeth. Lambeth Safeguarding Adults Board has a purpose specific information sharing agreement which sits underneath this.*

## **4.10 Training and Supervision**

*Training should be based upon an analysis of the organisation’s training needs and there should be records of training provided and undertaken. There should be clear expectations of what adult safeguarding training people in particular roles should have, and how up-to-date this should be, which might go in this section or in your training policies. This section could*

*include a description of safeguarding and related training provided, as well as other forms of support available to staff in order to help them understand their responsibilities to safeguard adults at risk.*

*For example:*

- Awareness of this safeguarding policy/procedure is covered within the induction programme of all new employees or volunteers and their understanding checked within supervision meetings.
- All staff will receive training on safeguarding adults at a level commensurate with their roles.
- All staff will receive training on the requirements and provisions of the Mental Capacity Act (and Deprivation of Liberty Safeguards (DoLS) in care homes and hospitals)

Refer to the [relevant Training/Supervision policies] for further information.

#### **4.11 Prevention**

*Use this section to highlight related policies, procedures or required practices that minimise the risk of abuse occurring. Staff or volunteers may need to refer to these in order to determine whether abuse has occurred and how to respond.*

*This list provided contains suggested content, not all these however may be relevant to your organisation. You will need to amend the list to reflect the nature of your organisation:*

*For example:*

- Public Interest Disclosure Policy (Whistle blowing)
- The boundaries of personal relationships with service users
- The handling of money and person effects
- Managing challenging behaviour
- The investigation of complaints
- Managing restraint and other physical interventions
- Mental Capacity Act (inc. Advanced Decisions and Lasting Powers of Attorney)
- Deprivation of Liberty Safeguards (DoLS)
- Incident Reporting procedures
- Risk assessment and risk management
- ....

## 5 Suggested content for an adult safeguarding procedure

### 5.1 Context

Adult safeguarding work is about protecting adults with care and support needs from abuse and neglect, and about responding well when adults with care and support needs are experiencing or are at risk of abuse or neglect.

Adult safeguarding work in Lambeth takes place in the context of

- The Care Act 2014: This sets out the duties and powers in law around adult safeguarding issues. It says the local authority is the lead agency on responding to adult safeguarding concerns and that Safeguarding Adults Boards (SAB) have the strategic lead for their area;
- The Care and Support Statutory Guidance: This gives detail about what must and should be done in relation to adult safeguarding issues. As it is statutory guidance, it must be followed unless you have good reason not to
- The London Multi-Agency Adult Safeguarding Policy and Procedures: This gives the framework adopted across London for multi-agency responses to adult safeguarding concerns. Lambeth SAB have adopted it as their main policy and procedure
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### 5.2 Making Safeguarding Personal

Paragraph 14.15 of the Care and Support statutory guidance says “Making safeguarding personal means [adult safeguarding work] 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.”

In our organisation we will meet the aims of Making Safeguarding Personal by

- Keeping the person at the heart of the process
- Making efforts to understand the outcomes they want to achieve from the adults safeguarding work and support them to achieve those

### 5.3 Before adult safeguarding concerns arise

*For example*

- *What information do you give people your service comes in to contact with about adult safeguarding issues?*
- *What do you tell adults using your services what you will do if they tell you they are experiencing or at risk of abuse or neglect?*

- *What to you tell adults using your services what you will do if they tell you about someone else who may be experiencing or at risk of abuse or neglect?*
- *What to you tell adults using your services what you will do if they tell you about an adult safeguarding concern that may also be a crime?*

## **5.4 Recording adult safeguarding work**

*Set out here expectations about how adult safeguarding work is recorded. What systems and processes are used? Who does the recording? When should they do it? What information is needed? What should be done with the information, such as reporting requirements and sign off? Is there any centralised reporting in the organisation? Is there any external partners, such as regulators or commissioners, who should get a copy?*

*Paragraph 14.180 of the Care and Support statutory guidance says “Good record keeping is a vital component of professional practice. Whenever a complaint or allegation of abuse is made, all agencies should keep clear and accurate records and each agency should identify procedures for incorporating, on receipt of a complaint or allegation, all relevant records into a file to record all action taken. When abuse or neglect is raised managers need to look for past incidents, concerns, risks and patterns. We know that in many situations, abuse and neglect arise from a range of incidents over a period of time. In the case of providers registered with CQC, records of these should be available to service commissioners and the CQC so they can take the necessary action”*

*Paragraph 14.183 of the Care and Support statutory guidance says “All agencies should identify arrangements, consistent with principles and rules of fairness, confidentiality and data protection for making records available to those adults affected by, and subject to, an enquiry. If the alleged abuser is using care and support themselves, then information about their involvement in an adult safeguarding enquiry, including the outcome, should be included in their case record. If it is assessed that the individual continues to pose a threat to other people then this should be included in any information that is passed on to service providers or other people who need to know.”*

### **5.4.1 Recording adult safeguarding concerns**

### **5.4.2 Recording adult safeguarding enquiries**

### **5.4.3 Recording subsequent actions**

### **5.4.4 Recording adult safeguarding reviews**

#### **5.4.5 *Sharing records with users of our service when they are the adult at risk of abuse and neglect***

#### **5.4.6 *Sharing records with users of our service when they are source of risk to an adult at risk of abuse and neglect***

### **5.5 Responding to an adult safeguarding concern**

*Use this section to describe what a person should actually do if they suspect abuse or neglect is taking place.*

#### **5.5.1 *Responsibilities of all employees and volunteers***

If any member of staff or volunteer has reason to believe that abuse is or may be taking place you have a responsibility to act on this information. It does not matter what your role is, doing nothing is not an option.

If an adult tells you about abuse or neglect they are experiencing or are at risk of, use the following principles to respond to them:

- Assure them that you are taking the concerns seriously
- Do not be judgemental or jump to conclusions
- Listen carefully to what they are telling you, stay calm, get as clear a picture as you can. Use open ended questions
- Do not start to investigate or ask detailed or probing questions
- Explain that you have a duty to tell your manager or the designated officer
- Reassure the person that they will be involved in decisions about them

Your responsibilities are:

- To take action to keep the person safe if possible.
  - If an urgent police presence required to keep someone safe, call 999
  - If the person needs urgent medical assistance, call 999
- Always inform your organisations Safeguarding Concerns Manager. You cannot keep this information secret, even if the person asks you to.
- Clearly record what you have witnessed or been told, record your responses and any actions taken.
- If a crime has occurred, be mindful of the need to preserve evidence

If consulting with your Safeguarding Concerns Manager will lead to an undue delay and thereby leave a person in a position of risk, you should refer the safeguarding concern to the local authority.

## **5.6 Deciding whether a referral to the local authority is required**

The Care and Support statutory guidance says

“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.” (Care and Support Statutory Guidance, March 2016, paragraph 14.43)

“It is not for front line staff to second-guess the outcome of an enquiry in deciding whether or not to share their concerns. There should be effective and well-publicised ways of escalating concerns where immediate line managers do not take action in response to a concern being raised.”

(Care and Support Statutory Guidance, March 2016, paragraph 14.199)

### **5.6.1 Escalating adult safeguarding concerns where immediate line managers do not take action**

In our organisation, if a person is concerned that an adult safeguarding concern has not been acted upon we expect them to

- Raise the matter with that manager
- If the matter still has not been dealt with it should be escalated to, in order,
  - o The Adult Safeguarding Concerns manager
  - o The Organisational Lead for Adult Safeguarding
  - o The Chief Executive

If the concern has still not been acted upon, you should refer to the Whistleblowing policy and procedure.

## **5.7 Referring an adult safeguarding concern to the local authority**

Raising a safeguarding concern, mean reporting abuse to the local authority, in line with the London Multi-Agency Adult Safeguarding Policy and Procedures. Anyone can raise a safeguarding concern, often however this is undertaken by a manager in the organisation. This person is referred to as the Safeguarding Concerns Manager.

The local authority the matter should be reported to is the one where the abuse or neglect took place, or where the risk of it arises.

Information about how to refer an adult safeguarding concern in Lambeth can be found on [Lambeth Council's website](#).

## **5.8 Responding to adult safeguarding concerns in a regulated health or social care setting**

*The Care and Support statutory guidance sets some particular expectations about how adult safeguarding concerns should be responded to by regulated health and social care services. It can be helpful to reinforce these expectations in local procedures.*

The Care and Support Statutory Guidance says

“When an employer is aware of abuse or neglect in their organisation, then they are under a duty to correct this and protect the adult from harm as soon as possible and inform the local authority, CQC and CCG where the latter is the commissioner.”

(Care and Support Statutory Guidance March 2016, paragraph 14.69)

### **5.8.1 Referrals to the Disclosure and Barring Service**

The Care and Support Statutory Guidance says

“If someone is removed by being either dismissed or redeployed to a non-regulated activity, from their role providing regulated activity following a safeguarding incident, or a person leaves their role (resignation, retirement) to avoid a disciplinary hearing following a safeguarding incident and the employer/volunteer organisation feels they would have dismissed the person based on the information they hold, the regulated activity provider has a legal duty to refer to the Disclosure and Barring Service

If an agency or personnel supplier has provided the person, then the legal duty sits with that agency. In circumstances where these actions are not undertaken then the local authority can make such a referral.”

(Care and Support Statutory Guidance March 2016, paragraph 14.75)

## **5.9 Considering whether to report an adult safeguarding concern to the police**

If a crime has been or may have been committed, seek the person's consent to report the matter immediately to the police. This will be in addition to raising a safeguarding concern with the local authority.

If the person has mental capacity in relation to the decision and does not want a report made, this should be respected unless there are justifiable reasons to act contrary to their wishes, such as:

- the person is subject to coercion or undue influence, to the extent that they are unable to give consent, or
- there is an overriding public interest, such as where there is a risk to other people
- it is in the person's vital interests (to prevent serious harm or distress or in life-threatening situations)
- where there is an expectation on you to report the matter arising from, for example,
  - your organisation's obligations to contribute to the prevention and detection of crime under the Crime and Disorder Act
  - where there is a statutory reporting requirement on you

There should be clear reasons for overriding the wishes of a person with the mental capacity to decide for themselves. A judgement will be needed that takes into account the particular circumstances.

If the person does not have mental capacity in relation to this decision, a 'best interests' decision will need to be made in line with the Mental Capacity Act.

### **5.9.1 Preserving evidence**

If a crime has occurred, try to preserve evidence in case there is a criminal investigation.

- try not to disturb the scene, clothing or victim if at all possible
- secure the scene, for example, lock the door, if possible,
- preserve all containers, documents, locations, etc.
- evidence may be present even if you cannot actually see anything
- if in doubt, contact the police and ask for advice

## **5.10 What happens once an adult safeguarding concern has been reported?**

The local authority will consider if the conditions set out in section 42 of the Care Act are met. These are

- That the matter relates to an adult, aged 18 or over, who has care and support needs

- That person is experiencing, or is at risk of, abuse or neglect
- They are unable to protect themselves from the abuse or neglect, or the risk of it, because of those care and support needs

If those conditions are met, then there must be an adult safeguarding enquiry. The local authority will determine what actions are required, who by, and when they need to happen.

### **5.10.1 The relationship of an adult safeguarding enquiry to other processes**

Situations that meet the test in section 42 of the Care Act may also require other types of responses such as

- Internal management review, including processes such as “Untoward incident” or “Serious Incident” investigations
- Complaint
- Disciplinary process
- Contract management action
- Criminal investigation

These processes should not be seen as separate from, or an alternative to, an adult safeguarding enquiry, but as strands of that enquiry. Such processes will often have their own usual arrangements and timescales, but where they are contributing to an adult safeguarding enquiry there may have to be some flexibility about these arrangements so that the various strands of the enquiry work well together, d

## **5.11 Contributing to an adult safeguarding enquiry**

*Set out who will do what to contribute to an adult safeguarding enquiry. Who in your organisation will work with the SAM and the Enquiry Officer? What are your expectations on how they will do this, such as local recording requirements, information governance issues, and so on?*

## **5.12 Adult safeguarding concerns relating to your staff or services you provide**

*Paragraph 14.116 of the Care and Support statutory guidance says “Employers who are also providers or commissioners of care and support not only have a duty to the adult, but also a responsibility to take action in relation to the employee when allegations of abuse are made against them. Employers should ensure that their disciplinary procedures are compatible with the responsibility to protect adults at risk of abuse or neglect.”*

*Paragraph 14.120 of the Care and Support statutory guidance says “The local authority’s relevant partners, as set out in section 6 (7) of the Care Act, and those providing universal care and support services, should have clear policies in line with those from the safeguarding*

*adults board for dealing with allegations against people who work, in either a paid or unpaid capacity, with adults with care and support needs. Such policies should make a clear distinction between an allegation, a concern about the quality of care or practice or a complaint.”*

*Paragraph 14.126 of the Care and Support statutory guidance says “Employers, student bodies and voluntary organisations should have clear procedures in place setting out the process, including timescales, for investigation and what support and advice will be available to individuals against whom allegations have been made. Any allegation against people who work with adults should be reported immediately to a senior manager within the organisation. Employers, student bodies and voluntary organisations should have their own sources of advice (including legal advice) in place for dealing with such concerns.”*

*For example*

- The safety of the adult is of paramount importance.
- Immediate action may be required to safeguard investigations and any other children, young people or adults at risk.
- Any concern that adults may be at risk of harm or abuse, must immediately be reported. Reputational issues must be managed appropriately by discussion with the relevant communications team.
- The concern must also be reported to the staff member’s line manager, who should take advice from the safeguarding concerns manager and / or organisational lead.
- Any action taken to manage an allegation must not jeopardise any external investigations, such as a criminal investigation.
- It is essential that every effort must be made to maintain confidentiality and manage communications while an allegation is being investigated.
- The organisational lead will discuss the case and allegations with the SAM and, where relevant, with the police and identify which agency will be leading on the investigation.
- The organisational lead should contact the HR department for advice regarding the action to be taken in relation to the employee. In conjunction with HR and the staff member’s line manager, decide whether suspension is appropriate during the period of investigation.
- Planning should be carried out with the SAM. The planning should consider
  - What other strands there may be to the adult safeguarding enquiry and what the strategy will be for any internal investigation so that it contributes in the best way to the adult safeguarding enquiry
  - What further contact is required with adult social care services in other areas, police, commissioners of the service, regulators of the service
  - Who will form the investigation team for our organisation, and which member of the Investigation Team should be nominated as the link person with other organisations
  - Whether the adult at risk of abuse or neglect is safe
  - Review what action has already been undertaken so far to ensure the safety of the victim.

- Whether there needs to be a referral to any appropriate professional regulatory body should the member of staff be a registered professional Decide how to present the allegations to the relevant staff member concerned and how to manage the investigatory process. NHS England performance procedures should be followed.
- Agreement should be reached with the SAM about what information should be passed to the staff member concerned.
- The Line Manager should be asked to provide appropriate support to the individual while the case is on-going and keep them regularly informed.
- Further support may be considered necessary from Occupational Health.
- Decide how the adult at risk of harm or abuse, or their representative, and the person making the allegation are to be kept informed of what is happening to their allegation, whilst adhering to the requirements of maintaining confidentiality and observing the requirements of the Human Rights Act and the Data Protection Act. The sharing of information must not 'contaminate' any enquiries that are on-going.
- The Communications team should provide additional support and advice in relation to the handling of any queries from the media concerning the allegation.
- The information to be shared with the senior management team.
- What needs to be done if the allegation is about a person not directly employed
- Decide the frequency and format of review meetings which need to be set up to manage the on-going investigation and the various actions required.

#### **5.12.1 Distinguishing between terms**

- An allegation: This is a safeguarding concern relating to a staff member of volunteer as the source of the risk
- A concern about the quality of care or practice: This can arise when someone has experienced or seen poor care
- A complaint: This is an expression of dissatisfaction from someone using services or their representative

As noted above in "The relationship of an adult safeguarding enquiry to other processes" a single issue may fall in to more than one category. Where there is an adult safeguarding concern, an adult safeguarding enquiry can be an effective means of coordinating the different strands.

### **5.13 Resolving disputes**

If disputes arise between organisations and professionals involved in adult safeguarding work attempts should be made to resolve them locally in the first instance. If this is not successful then the person in the SAM role should be consulted. If the matter is still not resolved then reference should be made to Lambeth Safeguarding Adults Board's dispute resolution arrangements.

When resolving disputes the primacy of the interests of the adult at risk abuse or neglect should be taken in to account.

### **5.14 Taking actions following an adult safeguarding enquiry**

*Set out who will do what to complete any actions that the local authority requires from your organisation at the completion of an adult safeguarding enquiry?*

### **5.15 Learning lessons from adult safeguarding enquiries**

*How will any learning from adult safeguarding enquiries be captured, and how will you know that the learning has been put in practice?*

### **5.16 Safeguarding Adults Reviews**

*When Lambeth Safeguarding Adults Board commissions a Safeguarding Adults Review (SAR) which your organisation is required to contribute to, who will do what in the organisation to contribute to it? What resources will the organisation contribute to the SAR? How will you apply the learning?*

### **5.17 Governance, monitoring and quality assurance**

*How will your organisation capture, monitor, and review*

- *What safeguarding concerns it has referred to the local authority?*
- *What safeguarding concerns have others had about your organisation or services?*
- *What has your organisation done to contribute to adult safeguarding enquiries?*
- *What have you learned from any adult safeguarding enquires and what are you now doing differently as a result?*

### **5.18 Safeguarding Adults Board membership**

*If your organisation is a member of Lambeth Safeguarding Adults Board, set out here*

- *Who represents your organisation at the Board*
- *What the expectations are on that person*
- *What resources your organisation will contribute to the Board*

## 6 References

[The Care Act 2014](#)

[The Care and Support Statutory Guidance](#)

[The London Multi Agency Adult Safeguarding Policy and Procedure](#)

Lambeth Safeguarding Adults Board Adult Safeguarding Policy