

Responding to Safeguarding Adult Concerns – Local Practice Guidance



This is an approved North Somerset Safeguarding Adult Board document and should not be edited in any way

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North Somerset Council's People and Communities Directorate is the lead agency for responding to safeguarding adults concerns when the location of the alleged abuse is North Somerset.

This document describes the action that will be taken when a safeguarding concern is raised.

1. Overall principles:

- Ensure the safeguarding response is personal to the individual
- Ensure the desired / negotiated outcomes for the adult are established, recorded and reviewed
- Ensure there is clarity whether there is legal duty to carry out a section 42 enquiry, or cause others to do so
- Ensure the response is proportionate

2. What is a Safeguarding concern?

Everyone has the responsibility to report signs of suspected or actual abuse or neglect to an adult who has care and support needs and is unable to protect themselves as a result of these needs.

A sign of suspected or actual abuse or neglect that is reported to the Council or identified by the Council is a Safeguarding Concern.

3. Is there a duty to enquire under section 42?

The following table determines who the Section 42 decision maker is when a safeguarding concern is received:

Table 1

Commissioner for Alleged Adult at Risk	Team to make initial decision
North Somerset CHC	Safeguarding Adults Team
North Somerset CTPLD	North Somerset CTPLD
North Somerset AWP, or open case to AWP within last 12 months	AWP local teams
Any commissioning team outside of North Somerset (Health or Social Care)	Safeguarding Adult Team
North Somerset Adult Care or people funding their own care	SPA/Integrated care teams
People living in their own homes otherwise not known to services	SPA/Integrated care teams

Fact finding at this stage to enable a section 42 decision is not a statutory enquiry.

3.1 The concern

Within one working day of receipt of the concern at Care Connect, SPA will establish if there is the potential for abuse or neglect to have occurred.

They will do this by considering the content of the presenting information.

If there is no evidence of potential abuse or neglect. SPA will complete a case note explaining that the concern does not carry a Section 42 duty. They will agree and detail any further actions required which may require multi agency liaison, signposting or alternative referrals.

If further information gathering is required to enable a section 42 decision. The concern will be passed to the relevant team as per table 1 above.

3.2 The Adult

With regard to the adult at risk the following must be established.

Do they have needs for care and support (whether or not the local authority is meeting any of those needs)?		As a result of the care and support needs are they unable to protect themselves from either the risk of, or the experience of abuse or neglect?	
Are they experiencing, or at risk of, abuse or neglect?			

3.3 The level of risk

There is a need to consider the level of risk, with regards to actual harm and the risk of further harm (abuse or neglect).

Is there actual or risk of harm?	Consider Risks associated with: Individual, Service, Perpetrator	
Types of Risks identified at this stage:	Detail of Risks.	Risk Level

Considering the levels of abuse or neglect as detailed above there is then a need to consider whether you 'reasonably suspect' that the adult is being abused or neglected, or is at risk of being abused or neglected.

Based on this information do you reasonably suspect this adult is being abused or neglected, or is at risk of being abused or neglected?	
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3.4 Final decision

The answer to all 3 questions in part 3.2 AND the answer to the final question in relation to the abuse or neglect (3.3 directly above) must be YES for there to be a duty to enquire under section 42.

The final decision (proposed action) will be recorded as either:

- **'Section 42 Enquiry'**: this applies if all 3 questions in part 1 AND the answer to the final question in relation to the abuse must be YES
- **'Other Enquiry - Non section 42'**: Used if the decision to proceed to an enquiry is made even though the adult does not meet the above criteria it is deemed necessary and proportionate to respond to the Concern as a Safeguarding Enquiry due to the level of risk
- **'Other Process/Action Taken'**: the adult does not meet the above criteria and the level of risk is low, an alternative response is considered more appropriate and proportionate.
- **'No Action'**: the concern is factually incorrect or this is a duplicate concern and already raised.

The worker making this decision must record the rationale for their decision and the date that this decision was made. This should be recorded on the SA5 and signed off by a senior or team manager.

Proposed Action:					
Please use the box below to record rationale for decision - Actions taken if not enquiry should be recorded in the 'Action Taken' boxes below					
Date of Decision:		Date checked by Team Manager / Senior		Name of Team Manager / Senior	
				Person Responsible	
Decision Feedback to Person raising the concern					Completed?

The decision must be communicated to the person who raised the concern unless

there is an overriding of confidentiality. (Such as a concern raised by a member of the public where sharing further information about a vulnerable adult would not be appropriate)

3.5 Timescales

It is anticipated that the decision as to whether there is potential for abuse or neglect to occur or have occurred will be made within 1 working day of receiving the safeguarding concern at Care Connect.

When further information gathering is required by case holding teams, a section 42 decision should be made within 2 working days of receipt of the concern by the team.

It is however, important that all safeguarding work keeps the views and wishes of the adult at risk central to any decision making. This remains the priority, meaning that when there is a valid rationale and adults are not placed at increased or unacceptable risk as a result, decisions may take longer.

4. Action to take: Safeguarding Enquiry

The wishes of the adult are very important, whether they have capacity or not.

The safeguarding response must be proportionate to the level of risk and influenced by the views and wishes of the adult at risk.

4.1 Who to Enquire

The Local Authority are the lead agency for making enquiries but may ask others to do this. The circumstances of the case will determine who the right person to begin the enquiries is.

If a crime is suspected the police must lead the criminal investigations. The Local Authority must promote the wellbeing of the adult while the criminal investigation is carried out. Once the police have concluded their investigations, particularly in cases where they decide not to proceed, the Local Authority must consider what action they may still need to take.

4.2 Objectives of the Enquiry

In planning the enquiry the following must be considered. Different people / agencies may be asked to address different objectives. The consent of the adult should be obtained before starting the enquiry unless it is really not possible to do so or doing so may put them or other adults with care and support needs at risk.

1. Assess the needs of the adult for protection or support; provide protection from abuse in accordance with their wishes
2. Ascertain the adult's views and wishes
3. Establish the facts

4.3 The adult's views and wishes

The adult should know that a safeguarding concern has been raised, unless it compromises their wellbeing or safety in doing so. Good practice would be to inform them before the Local Authority is contacted.

If the adult is assessed as lacking capacity to make decisions about their safeguarding then a decision should be made in their best interests.

4.4 What should an enquiry take into account

The allegation should be approached with an open mind. The following should be considered:

- The adult's needs for care and support
- The adult's risk of abuse or neglect
- The adult's ability to protect themselves or the ability of their networks to increase the support they offer
- The impact on the adult, their wishes
- The possible impact on important relationships
- Potential of action and increasing risk to the adult
- The risk of repeated or increasingly serious acts involving children, or another adult at risk of abuse or neglect
- The responsibility of the person or organisation that has caused the abuse or neglect, and;
- Research evidence to support any intervention.

All relevant partner agencies should be involved in the enquiry.

4.5 After the Enquiry

When the enquiry has been completed the findings should be shared with the adult and then a decision made as to whether further enquiries are needed or would action should be taken.

A Safeguarding Plan should be established.

The Local Authority must determine, with the adult, what further action is necessary.

4.6 Timescales for the Enquiry

All enquiries should be completed in a timely manner to minimise the risk of further abuse or neglect to the adult. Most enquiries should take place within 1 month of the safeguarding concern being raised. If this is not possible then the reason for the delay should be recorded.

4.7 Recording

The SA5 should be used to provide a succinct record of the safeguarding response. This should include rationale and dates of decisions.

The SA5 should also record when the response ended and the case closure information must be completed by the relevant person.

5. Meetings

If it is felt appropriate to hold a meeting as part of the safeguarding response then the Safeguarding Adults Support Officers must be contacted to make the necessary arrangements.

The adult should be supported to attend any meetings in relation to the safeguarding concerns. If it is not possible or appropriate for them to attend then it is essential that consideration is given to who could attend to represent them and how their wishes and views are to be represented and taken into account.

The Chair should inform the Safeguarding Adults Support Officer of the need for a meeting and the names and contact details of people to be invited.

The Support Officer allocated will arrange the date, time and venue of the meeting and correspond with all professionals that need to be invited.

The Administration Team will not make contact with the adult or their representative (s) or their family unless specifically told that it is appropriate for them to do so.

A standard agenda is available; all minutes of meetings held as part of a safeguarding response will be recorded on the standard paperwork.

6. Relevant Contact Numbers

Care Connect	Within office hours	01275 888 801
Emergency Duty Team	Out of office hours	01454 615 165
Police		999 or 101
Emergency Services		999 and request relevant service

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