

# **BERKSHIRE MULTI-AGENCY ADULT SAFEGUARDING POLICY & PROCEDURES**

*Version 2 October 2016*

## **Acknowledgements**

The Berkshire Safeguarding Adults Boards are grateful to The Association of Directors of Adult Social Services (ADASS) London for their permission to adopt the Pan London Multi-Agency Policy and Procedures.

## **Foreword**

The introduction of the Care Act 2014 puts adult safeguarding on a statutory footing for the first time, embracing the principle that the 'person knows best'. It lays the foundation for change in the way that care and support is provided to adults, encouraging greater self-determination, so people maintain independence and have real choice. There is an emphasis on working with adults at risk of abuse and neglect to have greater control in their lives to both prevent it from happening, and to give meaningful options of dealing with it should it occur. For staff, the Care Act provides clearer guidance and supports pathways to working in an integrated way, breaking down barriers between organisations.

The increased involvement of adults who use services, carers, statutory and non-statutory groups in the production of this document embraces the spirit of the Act and the vision for safeguarding to be everyone's business. The policy and procedures have benefitted from carers and adults who might be at risk, to provide a reality check on what is meaningful and makes sense. This approach is a core element of a personalised adult safeguarding service.

Progress has been made to improve practice, through learnt experience, feedback and translating policy and procedures so that there is a shared approach to adult safeguarding. This policy and procedures takes us further towards putting the adults at the centre of their own safeguarding experience. By developing practice that listens and learns, staff working with the person at risk can share information, facilitating a one team approach to improve the chances of safeguarding adults in the way that they want to be safeguarded. Learning from the experiences of people, publicised safeguarding annual reports, and events to raise greater awareness has enabled staff and SAB partnerships to reflect on safeguarding practice.

This policy and procedures aims to encourage the continuous development of best practice in order to better safeguard adults.

***Bracknell Forest Safeguarding Adults Board***

***Royal Borough of Windsor and Maidenhead Safeguarding Adults Board***

***Slough Safeguarding Adults Board***

***West of Berkshire Safeguarding Adults Board***

## **Glossary and Acronyms**

**Adult at risk** is a person aged 18 or over who is in need of care and support regardless of whether they are receiving them, and because of those needs are unable to protect themselves against abuse or neglect.

**Adult safeguarding** means protecting a person's right to live in safety, free from abuse and neglect.

**Adult safeguarding lead** is the title given to the member of staff in an organisation who is given the lead for Safeguarding Adults.

**Advocacy** taking action to help people who experience substantial difficulty contributing to the safeguarding process to say what they want, secure their rights, represent their interests and obtain the services they need.

**Appropriate Adult** is a specific role prescribed under the Police & Criminal Evidence Act 1984. The role of an appropriate adult is confined to instances where a police officer has any suspicion, or is told in good faith, that a person of any age may be mentally disordered or otherwise mentally vulnerable, in the absence of clear evidence to dispel that suspicion, the person shall be treated as a vulnerable adult and supported by an 'Appropriate Adult'.

**Best Interest** - the Mental Capacity Act 2005 (MCA) states that if a person lacks mental capacity to make a particular decision then whoever is making that decision or taking any action on that person's behalf must do so in the person's best interest. This is one of the principles of the MCA.

**Appropriate individual** within this document an 'appropriate individual' is a person who supports an adult at risk typically but not exclusively in an advocacy role, and is separate to an Appropriate Adult as described above.

**Care setting** is where a person receives care and support from health and social care organisations. This includes hospitals, hospices, respite units, nursing homes, residential care homes, and day opportunities arrangements.

**Carer** throughout these policy and procedures refers to Family/Friend Carers as distinct from paid carers who are referred throughout as Support Workers. The Association of Directors of Adult Social Services (ADASS) define a carer as someone who *'spends a significant proportion of their time providing unpaid support to a family member, partner or friend who is ill, frail, disabled or has mental health or substance misuse problems'*.

**Commissioning** is the cyclical activity, to assess the needs of local populations for care and support services, determining what element of this, needs to be arranged by the respective organisations, then designing, delivering, monitoring and evaluating those services.

**Community Safety Partnerships** operate in every area in Berkshire and are multi-agency partnerships working to reduce crime and anti-social behaviour.

**Concern** is the term used to describe when there is or might be an incident of abuse or neglect and it replaces the previously use term of 'alert'.

**Contracting** is the means by which a process is made legally binding. Contract management is the process that then ensures that services continue to be delivered to the agreed quality standards.

**Disclosure and Barring Service (DBS)** helps employers make safer recruitment decisions and prevent unsuitable people from working with vulnerable groups. It replaces the Criminal Records Bureau (CRB) and Independent Safeguarding Authority (ISA).

**Enquiry** establishes whether any action needs to be taken to stop or prevent abuse or neglect, and if so, what action and by whom the action is taken. Previously this may have been referred to as a 'referral'

**Enquiry Lead** is the agency who leads the enquiry described above.

**Equality Act 2010** legally protects people from discrimination in the workplace and in wider society. It replaced previous anti-discrimination laws with a single Act, making the law easier to understand and strengthening protection in some situations. It sets out the different ways in which it is unlawful to treat someone.

**Independent Domestic Violence Advisor** - Adults who are the subject of domestic violence may be supported by an Independent Domestic Violence Advisor (IDVA). IDVA's provide practical and emotional support to people who are at the highest levels of risk. Practitioners should consult with the adult at risk to consider if the IDVA is the most appropriate person to support them and ensure their eligibility for the service.

**IMCA (independent mental capacity advocate)** established by the Mental Capacity Act (MCA) 2005 IMCAs are mainly instructed to represent people where there is no one independent of services, such as family or friend, who is able to represent them. IMCAs are a legal safeguard for people who lack the mental capacity to make specific important decisions about where they live, serious medical treatment options, care reviews or adult safeguarding concerns.

**Independent Mental Health Advocate** - under the Mental Health Act 1983 certain people known as 'qualifying patients' are entitled to the help and support from an Independent Mental Health Advocate. If there is a safeguarding matter whilst the IMHA is working with the adult at risk, consideration for that person to be supported by the same advocate should be given.

**Independent Sexual Violence Advocate (ISVA)** - is trained to provide support to people in rape or sexual assault cases. They help victims to understand how the criminal justice process works and explain processes, for example, what will happen following a report to the police and the importance of forensic DNA retrieval.

**LGBT (lesbian, gay, bisexual and transgender)** is an acronym used to refer

collectively to lesbian, gay, bisexual and transgender people.

**Making Safeguarding Personal** is about person centred and outcome focussed practice. It is how professionals are assured by adults at risk that they have made a difference to people by taking action on what matters to people, and is personal and meaningful to them.

**Natural justice** refers to the principles and procedures that govern the adjudication of an issue, which should be unbiased, without prejudice, and there is equal right to being heard.

**Organisational abuse** 'is the mistreatment or abuse or neglect of an adult at risk by a regime or individuals within settings and services that adults at risk live in or use, that violate the person's dignity, resulting in lack of respect for their human rights.' (Care and Support Statutory Guidance, 2014)

**Person/organisation alleged to have caused harm** is the person/organisation suspected to be the source of risk to an adult at risk.

**Position of trust** refers to a situation where one person holds a position of authority and uses that position to his or her advantage to commit a crime or to intentionally abuse or neglect someone who is vulnerable and unable to protect him or herself.

**Procurement** is the specific function to buy or acquire services which commissioners have duties to arrange to meet people's needs, to agreed quality standards, providing value for money to the public purse.

**Public interest** is a decision about what is in the public interest needs to be made by balancing the rights of the individual to privacy with the rights of others to protection.

**Registered Intermediaries (RI)** play an important role in improving understanding of the justice process for people who have communication difficulties. They help people to understand the questions that are put to them and to have their answers understood, enabling them to achieve best evidence for the police and the courts.

**Regulated Provider** is an individual, organisation or partnership that carries on activities that are specified in Schedule 1 of the Health and Social Care Act 2008 (Regulated Activities) Regulations 2014.

**Safeguarding Adult Manager** is the person who manages, makes decisions, provides guidance and has oversight of safeguarding concerns that are raised to the Local Authority.

**Victim Support** is a national charity, which provides support for victims and witnesses of crime in England and Wales. It provides free and confidential help to family, friends and anyone else affected by crime, which includes information, emotional and practical support. Help can be accessed either directly from local branches or through the Victim Support helpline.

**Vital interest** a term used in the Data Protection Act (DPA) 1998 to permit sharing of

information where it is critical to prevent serious harm or distress, or in life-threatening situations.

## Contents

|   |    |
|---|----|
| Foreword .....  | 3  |
| <b>THE POLICY</b> .....   | 11 |
| 1. CONTEXT, PRINCIPLES AND VALUES .....                           | 12 |
| 1.1 Context .....   | 12 |
| 1.2 Wellbeing .....   | 16 |
| 1.3 Values - Supporting adults at risk of abuse and neglect ..... | 17 |
| 2. ADULT SAFEGUARDING POLICY .....                                | 18 |
| 2.1 What is safeguarding? .....                                   | 18 |
| 2.2 Who do adult safeguarding duties apply to? .....              | 21 |
| 2.3 Types and indicators of abuse and neglect .....               | 24 |
| 2.4 Radicalisation .....  | 28 |
| 2.5 Who abuses and neglects adults? .....                         | 29 |
| 2.6 Self-neglect .....  | 30 |
| 2.7 Pressure Ulcers .....   | 32 |
| 2.8 Serious Incident .....  | 32 |
| 2.9 Safeguarding Adult Review(s) (SARs) .....                     | 33 |
| 2.10 Mechanisms to support adult safeguarding .....               | 39 |
| 3. ADULT SAFEGUARDING PRACTICE .....                              | 41 |
| 3.1 Mental Capacity and Consent .....                             | 41 |
| 3.2 Advocacy & Support.....                                       | 47 |
| 3.3 Managing Risk .....   | 51 |
| 3.4 Recording actions under adult safeguarding .....              | 54 |
| 3.5 Organisational learning .....                                 | 55 |
| <b>THE PROCEDURES</b> .....                                       | 57 |
| 4. ADULT SAFEGUARDING PROCEDURES .....                            | 58 |
| 4.1 Context .....   | 58 |
| 4.2 The Four Stage process .....                                  | 58 |
| STAGE 1: CONCERNS .....   | 64 |
| STAGE 2: ENQUIRY .....  | 70 |

|  |     |
|--|-----|
| Section 42 Enquiry Flowchart .....   | 72  |
| STAGE 3: SAFEGUARDING PLAN AND REVIEW .....                                    | 84  |
| STAGE 4: CLOSING THE ENQUIRY .....   | 86  |
| 5. WORKING WITH CARE AND SUPPORT PROVIDERS .....                               | 88  |
| 5.1 Introduction.....  | 88  |
| 5.2 Six Step Process.....  | 89  |
| 5.3 Who does this procedure apply to?.....                                     | 89  |
| 5.4 Working in partnership with providers.....                                 | 90  |
| 5.5 Commissioning for Quality .....  | 92  |
| 5.6 Business Failure and Service Interruptions - Impact for Safeguarding ..... | 93  |
| 5.7 Safeguarding - Provider Concerns .....                                     | 94  |
| 5.8 Organisational Procedures .....  | 102 |
| Step 1: Decision for Provider Concerns .....                                   | 102 |
| Step 2: Initial Provider Concerns Meeting.....                                 | 103 |
| Step 3: Findings meeting .....   | 106 |
| Step 4: Update Meeting (optional).....   | 107 |
| Step 5: Quality Assurance .....  | 108 |
| Step 6: Closing the Provider Concerns process .....                            | 109 |
| Appendix One: Additional Carers Information .....                              | 110 |
| Appendix Two: Information Governance .....                                     | 112 |
| Appendix Three: Workforce Development.....                                     | 115 |
| Appendix Four: Safeguarding Adults Structures and Organisations .....          | 121 |
| Appendix Five – Decision Pathway – Pressure Ulcers and safeguarding Adults...  | 133 |
| Appendix Six: Supplementary Note on Domestic Violence.....                     | 144 |



## PURPOSE AND HOW TO USE THIS DOCUMENT

**Aim:** - to better safeguard adults at risk of abuse throughout Berkshire; and in using this document better encourage the continuous development of best practice.

The document is structured into the following sections and appendices:

- [Section 1 – Context, Principle and Values](#) - sets out the shared vision for adult safeguarding and the key national and local drivers
- [Section 2: Adult Safeguarding Policy](#) - sets out an interpretation of the Care Act 2014, so that there is a consistent approach across Berkshire to adult safeguarding.
- [Section 3: Adult Safeguarding Practice](#) - sets out an interpretation of the Care Act 2014, so that there is a consistent approach across Berkshire to adult safeguarding. Includes the key areas of mental capacity and consent, advocacy and support, managing risk, record keeping and organisational learning.
- [Section 4: Adult Safeguarding Procedures](#) - sets out the changes in adult safeguarding from a process driven stand-alone entity, to one where adult safeguarding is part of everyday practice about managing risk and supporting adults who are unable to protect themselves. It provides the reader with a framework that can be adjusted to meet individual need.
- [Section 5: Working with care and support providers](#) - sets out how commissioners work with providers so that adults receive high quality safe services. It details how good commissioning and effective contract monitoring can support providers to take early action to reduce risk and the need for adult safeguarding.

### Appendices

- [Appendix 1](#) contains information about carers (family/friends) and adult safeguarding, and the different areas where it has an impact on the carer, or the carer can have an impact on adult safeguarding functions.
- [Appendix 2](#) is about information governance and the standards, legislation and compliance requirements that all organisations are accountable for meeting.
- [Appendix 3](#) is about workforce development and is a broad brush ranging from recruitment and safe organisations to support to staff through supervision and training.
- [Appendix 4](#) details the structures and organisations who work with adults at risk. It provides detail on the Safeguarding Adults Board roles and responsibilities and the links to other strategic partnerships. It sets out the changes brought about by the Care Act 2014 for the role and responsibilities of the statutory organisations and lists those organisations who work together to safeguard adults at risk.
- [Appendix 5](#) contains Pressure Ulcer pathway – this may be subject to amendment following the publication of the national protocol for statutory partners.
- [Appendix 6](#) contains supplementary note on domestic violence

This document should be read in conjunction with the following documents:

- [Care Act 2014](#)<sup>i</sup>,
- [Care and Support Statutory Guidance 2014](#)<sup>ii</sup>
- [Adult Safeguarding Improvement Tool](#)<sup>iii</sup>.

It covers:

- The legislative requirements and expectations on individual services to safeguard and promote the well-being of adults in the exercise of their respective functions, relating to adults with needs for care and support and carers<sup>2</sup>; and
- A framework for SABs to monitor the effective implementation of policies and procedures.

This document embeds relevant national developments including, [Safeguarding Vulnerable People in the NHS Accountability and Assurance Framework](#)<sup>iv</sup> (2015) which outlines the roles and responsibilities of the health service. It takes into account relevant Metropolitan Police Service internal operational toolkits and aims to be consistent with them. This document also takes account of national initiatives about [housing and safeguarding](#)<sup>v</sup> and draws on the commitment for organisations to work together championed by the Association of Directors of Adult Social Services.

It is steered by the personalisation of health and adult social care through the national [Making Safeguarding Personal](#)<sup>vi</sup> programme. This programme arose following feedback from many people who had used safeguarding services, reporting that they felt they were being driven through a process and felt out of control. The shift in culture, by developing a personalised approach to supporting people is a shared vision for all organisations working with adults who may be or are at risk of abuse and neglect.

The [Mental Capacity Act 2005](#)<sup>vii</sup> is pertinent throughout this document, and staff should ensure that all decisions and actions are taken in line with the requirements of the Act. ([See Best Practice](#))

Reference to key documents and resources are made throughout in particular:

- [Care and Support Statutory Guidance](#)<sup>ii</sup>
- [Skills for Care](#)<sup>viii</sup>
- [Social Care Institute for Excellence](#)<sup>ix</sup>