

'If you suspect that an adult with care and support needs is being abused or neglected, don't wait for someone else to do something about it'.

Adult living in Stoke-on-Trent – Telephone: 0800 5610015

Adult living in Staffordshire – Telephone: 0345 604 2719

Section 1: Introduction

- 1.1 These Adult Safeguarding Procedures should be read in conjunction with the regional West Midlands Adult Safeguarding Policyⁱ, which is the result of collaboration between the Local Authorities within the region.
- 1.2 These procedures relate to the protection and support of adults who have or may have care and support needs as defined by the Care Act 2014. They are not applicable to other adults who may be experiencing abuse or who are seen as 'vulnerable' by virtue of their history or lifestyle.
- 1.3 This Procedure is governed by a set of key principles and themes. The adult safeguarding processes seek to respond to concerns about abuse in a way that is sensitive to individual circumstances, person-centred and outcome-focused. To achieve successful safeguarding the procedures in this section must be understood and applied consistently by all organisations.
- 1.4 Although the responsibility for the coordination of adult safeguarding arrangements lies with Local Authorities, the implementation of these Procedures is a collaborative responsibility and effective work must be based on a multi-agency approach.

Safeguarding Principles

- 1.5 The key principles which govern this Procedure are set out in the *Statement of Government Policy on Adult Safeguarding* (Department of Health (DoH), May 2013)ⁱⁱ:
 - **empowerment:** presumption of person-led decisions and informed consent; consulting the person about their desired outcome throughout the safeguarding process
 - **protection:** ensuring that people are safe and that they have support and representation as necessary during the process
 - **prevention:** minimising the likelihood of repeated abuse and recognising the person's contribution to this in Safeguarding Plans

- **proportionality:** the ways in which the safeguarding procedure is used are proportionate, as far as possible they should not be intrusive and they should be appropriate to the risk presented
- **partnership:** people can be satisfied that agencies are working constructively to make them safe
- **accountability:** the way in which the safeguarding process is conducted should be transparent and consistent; it should always be borne in mind that safeguarding procedures may be subject to external scrutiny (e.g. the courts).

1.6 The Procedures provide a *framework*. Adult safeguarding is a dynamic process that must be done *with* people and not *to* people. The following key themes run throughout the adult safeguarding process:

- ❖ **User outcomes:** at the beginning of the process what the individual wants to achieve must be identified and at every stage this must be revisited. The extent to which these views and desired outcomes have been achieved must be reviewed at the end of the safeguarding process regardless of the stage at which it is concluded. In all safeguarding work there should be a clear understanding of what the process is seeking to achieve.
- ❖ **Professional judgement:** it is essential that key decisions by paid staff are made based on their knowledge and understanding of the situation and that they are allowed to apply their training and specialist knowledge to the presenting situation. This will involve bringing into play a range of legal, practice and ethical frameworks as well as the principles outlined above. This includes a level of *professional curiosity*, whereby staff in all agencies make all reasonable efforts to enquire into potential instances of abuse.
- ❖ **Risk assessment and management:** these are central to the adult safeguarding process. Assessments of risk should be carried out with the individual at each stage of the process so that adjustments can be made in response to changes in the levels and nature of risk. Risks to others must also be considered.
- ❖ **Mental capacity:** the Mental Capacity Act (MCA) 2005ⁱⁱⁱ requires an assumption that an adult (aged 16 or over) has full legal capacity to make decisions unless it can be shown that they lack capacity to make a decision for themselves at the time the decision needs to be made. Individuals must be given all appropriate help and support to enable them to make their own decisions or to maximise their participation in any decision-making process. Unwise decisions do not necessarily indicate lack of capacity. Any decision made, or action taken, on behalf of someone who lacks the capacity to make the decision or act for themselves must be made in their best interests. It is important that an individual's mental capacity is considered at each stage of the adult safeguarding process.

❖ **Safeguarding Planning:** in response to identified risks a multi-agency Safeguarding Plan can be developed and implemented at any time in the adult safeguarding process. The Safeguarding Plan aims to:

- prevent further abuse or neglect;
- keep the risk of abuse or neglect at a level that is acceptable to the person being abused or neglected and the agencies supporting them;
- support the individual to continue in the risky situation if that is their choice and they have the capacity to make that decision.
- Safeguarding planning also involves promoting wellbeing and supporting adults who have been the victim of adult abuse or neglect to recover from that experience.

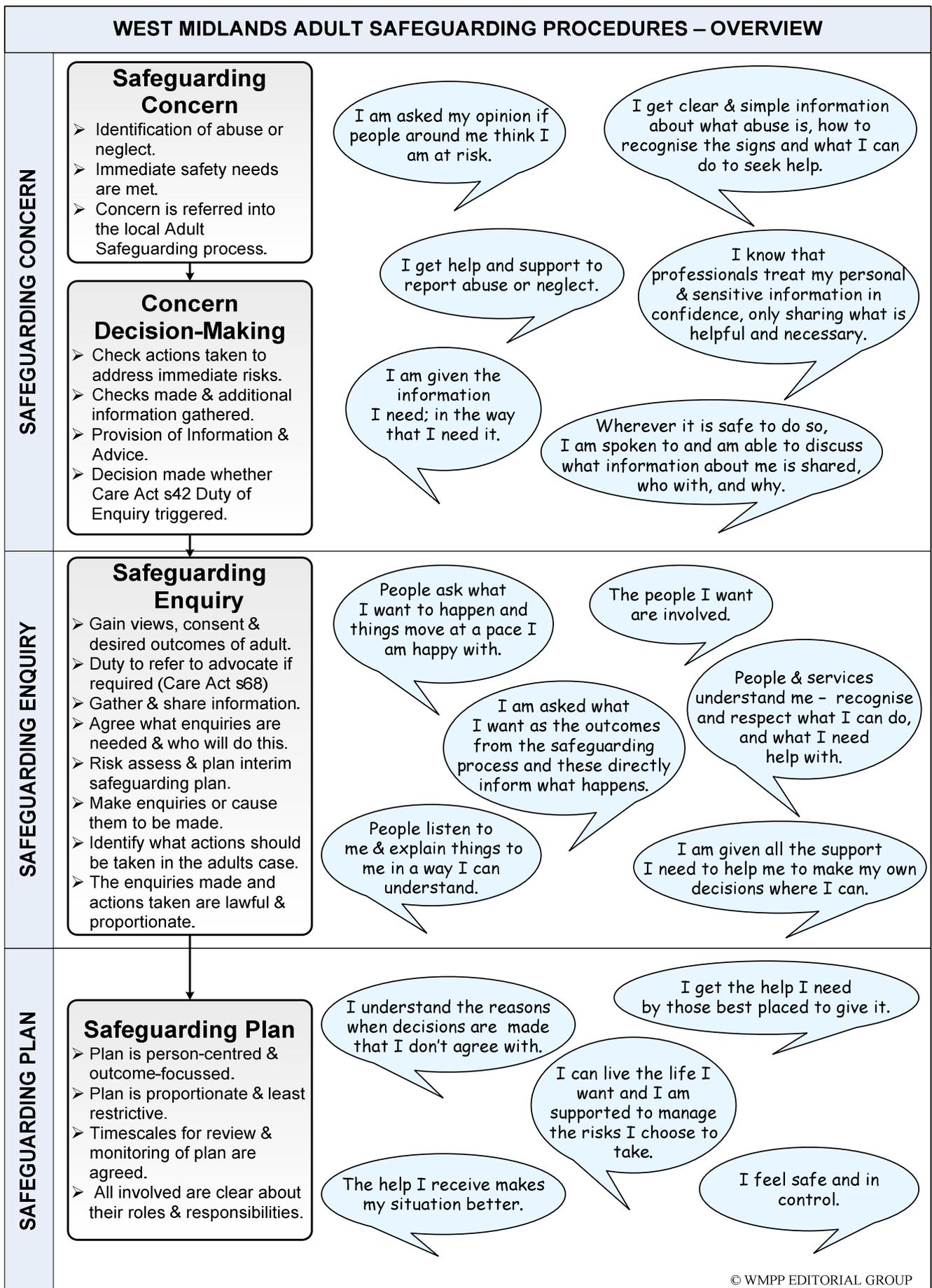
❖ **Information sharing:** this is key to delivering better and more efficient services that are coordinated around the needs of the individual. It is the foundation for early intervention and preventative work, for safeguarding, for promoting welfare and for wider public protection. Information sharing is a vital element in improving outcomes for all. Nevertheless, it is important to understand that most people want to be confident that their personal information is kept safe and secure and that practitioners maintain their privacy, while sharing appropriate information to deliver better services. The SSASPB has produced Information sharing Guidance for Practitioners which is referenced at the end of this document^{iv}. Attention is also drawn to the One Staffordshire Information Sharing Protocol found at <https://www.ssaspb.org.uk/Guidance/Staffordshire-One-InfoSharingProtocolFull.pdf>.

❖ **Recording:** good record-keeping is an essential part of the accountability of organisations to those who use their services. Maintaining proper records is vital to individuals' care and safety. If records are inaccurate, future decisions may be wrong and harm may be caused to the individual. Where an allegation of abuse is made all agencies have a responsibility to keep clear and accurate records. It is fundamental to ensure that evidence is protected and to show what action has been taken and what decisions have been made and why. Sample forms for the respective Local Authorities can be found on the Staffordshire and Stoke-on-Trent Adult Safeguarding Partnership Board (SSASPB) website at www.SSASPB.org.uk

❖ **Feedback:** at each stage of the adult safeguarding process it is important to ensure feedback is given to the adult, people raising the concern and partners. People who raise adult safeguarding concerns are entitled to be given appropriate information regarding the status of the referral they have made. The extent of this feedback will depend on various things (e.g. the relationship they have with the victim, confidentiality issues and the risk of compromising an enquiry). At the very least it should be possible to advise people raising the concern that their information has been acted upon and taken seriously. Partners in provider

organisations require feedback to allow them to continue to provide appropriate support fulfil employment law obligations and make staffing decisions.

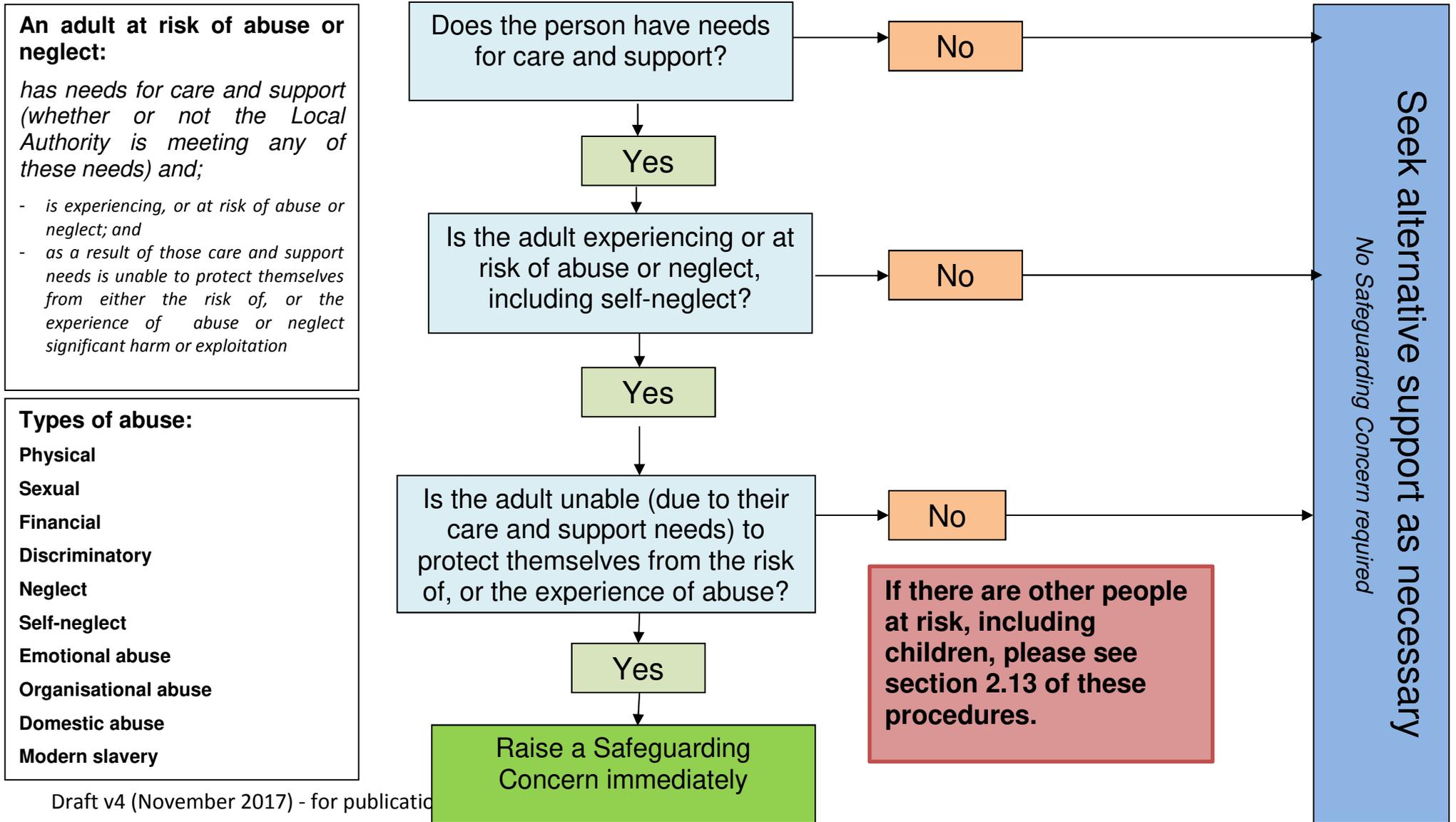
- 1.7 Nothing in these Procedures should be seen as preventing any of the routine activities of professional best practice and this would include the holding of case conferences where cases are complex or where inter-professional communication and decision-making is difficult. Some multi-agency meetings may be specific to safeguarding but the need to meet and discuss issues is not exclusive to safeguarding processes.
- 1.8 Finally, it is equally important that these Procedures are managed and administered in a way that complies with all the articles of the Human Rights Act (HRA) 1998^v (in particular Articles 5 and 8). This means that both the process and the outcome must be proportionate, not unduly restrictive, and enable risk where appropriate. In addition, any actions arising from these procedures should be consistent with current legislation as it relates to social care, health, housing and education.



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Reporting abuse and neglect - General guide to raising concerns

Initial safeguarding decision flow chart



If there are other people at risk, including children, please see section 2.13 of these procedures.

ii	DoH Safeguarding Principles
iii	MCA 2005
iv	Information Sharing
v	Human Rights Act
vi	Care Act 2014
vii	CQC
viii	Public Interest Disclosure Act 1998
ix	Disclosure and Barring Scheme (DBS)
x	Nursing and Midwifery Council (NMC)
xi	Health and Care Professions Council (HCPC)
xii	General Medical Council (GMC)
xiii	DPA Act
xiv	MCA Code of Practice
xv	Contact Centre
xvi	Local Authority Children's Services
xvii	West Mids PiPoT
xviii	SAR Protocol
xix	Care Act guidance
xx	Mental Health Act
xxi	DoLS
xxii	Police and Criminal Evidence Act 1984 (PACE)
xxiii	MARAC
xxiv	Multi-Agency Public Protection Arrangement (MAPPA)
xxv	SSASPB Escalation Policy
xxvi	NHS England
xxvii	Section 75 of the National Health Service Act 2006)
xxviii	Multi-Agency Safeguarding Hub (MASH)
xxix	ADASS https://www.adass.org.uk/media/5414/adass-guidance-inter-authority-safeguarding-arrangements-june-2016.pdf
xxx	<i>Youth Justice and Criminal Evidence Act 1999</i>
xxxi	One Staffordshire Information Sharing Protocol
xxxii	Sexual Assault and Rape Centre (SARC)
xxxiii	Crown Prosecution Service (CPS)