



Staffordshire and Stoke-on-Trent
Adult Safeguarding Partnership Board

Abuse must stop

Staffordshire and Stoke-on-Trent Adult Safeguarding Procedures

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Section 1 - Introduction

- 1.1 These Adult Safeguarding Enquiry Procedures should be read in conjunction with the West Midlands Adult Safeguarding Policy & Procedures; they are the result of collaboration between the Local Authorities within the region.
- 1.2 The Care and Support Statutory Guidance (Department of Health & Social Care, 2023) emphasises that safeguarding is about protecting an adult's right to live in safety, free from abuse and neglect (S.14.7). Effective safeguarding requires people, organisations and communities to work together to prevent or reduce the risks of adults experiencing abuse or neglect. Any actions should consider the adults well-being and take into consideration, where possible, their views, wishes, feelings and beliefs. It is however recognised that adults may have complex lives and relationships and it will be important to explore what being safe means to the individual adult.
- 1.3 In accordance with the Care Act Statutory Guidance the aims of adult safeguarding are to:
 - 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 support 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.

The Legal Framework

- 1.4 The Care Act 2014 sets out a clear legal framework for how local authorities and other statutory agencies should work together to protect adults who are experiencing, or at risk of, abuse or neglect. It is made clear that protection from abuse and neglect is a fundamental part of an adult's wellbeing (Chapter 1, paragraph 1.5).

- 1.5 The Care Act is clear that the lead role sits with the local authority. However, Sections 6 and 7 of the Act also makes it clear that partner agencies have a duty to co-operate with the safeguarding process.
- 1.6 In accordance with the Care Act 2014, the Safeguarding duties apply to an adult who:
- Has needs for care and support (whether or not the local authority is meeting any of those needs),
 - Is experiencing, or at risk of, abuse or neglect, and
 - As a result of those needs is unable to protect themselves from the abuse or neglect or the risk of it.
- 1.7 Section 42 (2) of The Care Act makes it clear that the Local Authority must make (or cause to be made) whatever enquiries if considers necessary to determine whether any action should be taken in respect of the adult concerned.
- 1.8 These procedures are not applicable to other adults who may be experiencing abuse or who are seen as 'vulnerable' by virtue of their history or lifestyle.
- 1.9 The Mental Capacity Act (MCA) 2005 requires an assumption that any person (aged 16 or over) has capacity to make a specific decision 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.
- 1.10 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. This means that both the process and the outcome must be proportionate, not unduly restrictive, and enable risk where appropriate.
- 1.11 It is emphasised that that any actions arising from these procedures should be compliant with current legislation as it relates to social care, health, housing, and education.

- 1.12 These procedures are governed by a set of key principles and themes. In accordance with the Making Safeguarding Personal agenda, the 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 these procedures must be understood and applied consistently by all organisations.

Safeguarding Principles

Six key principles underpin all safeguarding work. There are set out in the Care and Support Statutory Guidance:

- **Empowerment:** People being supported and encouraged to make their own decisions and informed consent.

"I am asked what I want as the outcomes from the safeguarding process and these directly inform what happens".

- **Protection:** Support and representation for those in greatest need.

"I get help and support to report abuse and neglect. I get help so that I am able to take part in the safeguarding process to the extent to which I want".

- **Prevention:** It is better to take action before harm occurs.

"I receive clear and simple information about what abuse is, how to recognise the signs and what I can do to seek help".

- **Proportionality:** The least intrusive response appropriate to the risk presented.

"I am sure that the professionals will work in my interest, as I see them and they will only get involved as much as needed".

- **Partnership:** Local solutions through services working with their communities. Communities have a part to play in preventing, detecting and reporting neglect and abuse.

"I know that staff treat any personal and sensitive information in confidence, only sharing what is helpful and necessary. I am confident that professionals will work together and with me to get the best result for me".

- **Accountability:** Accountability and transparency in delivering safeguarding.

"I understand the role of everyone involved in my life and so do they".

1.13 The procedures provide a *framework*. Adult safeguarding is a dynamic process that must be done *with* people and not *to* people.

1.14 The following key themes run throughout the adult safeguarding process:

* ***The Adult's outcomes:*** at the beginning of the process what the adult 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. If the adult is unable or has substantial difficulty in participating in the enquiry they must be supported.

* ***Professional judgement:*** it is essential that key decisions by practitioners 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 adult 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.

* ***Safeguarding Planning:*** a multi-agency Safeguarding Plan can be developed and implemented at any time in the adult safeguarding process. The safeguarding plan will clarify what the ongoing concerns are and co-ordinate the range of actions needed to protect the adult from ongoing abuse or neglect. The safeguarding plan should be person centred and outcome-focussed.

* ***Information sharing:*** this is key to delivering better and more efficient services that are coordinated around the needs of the adult. 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 Staffordshire and Stoke-on-Trent Adult Safeguarding Partnership Board (SSASPB) has produced Information sharing Guidance for Practitioners which is referenced at the end of this document. Attention is also drawn to the [One Staffordshire Information Sharing Protocol](#).

* **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 adults' care and safety. If records are inaccurate, future decisions may be wrong and harm may be caused to the adult. 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.

* **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 factors (e.g. the relationship they have with the adult, 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, address any areas for improvement identified, fulfil employment law obligations, and make staffing decisions.

- 1.15 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 process.