



BLACKBURN WITH DARWEN BOROUGH COUNCIL

MULTI - AGENCY

Operational Procedures for Safeguarding Adults at Risk

DECEMBER 2023



1. Contents

1.	Contents	1
2.	Introduction	3
3.	Council Missions	3
4.	Overview	3
4.1.	Categories of Abuse	4
4.2.	Key Principles	4
4.3.	Making Safeguarding Personal	4
4.4.	Desired Outcomes	5
4.5.	Safeguarding Adults: The key 6 steps	5
5.	Roles and Responsibilities	8
5.1.	Blackburn with Darwen’s Multi-Agency Safeguarding Hub (MASH)	8
5.2.	Prevent & Channel Referral Process	8
5.3.	Person Raising a Concern	9
5.4.	The Safeguarding Adults Team Manager	10
5.5.	The Safeguarding Adults Enquiry Officer	10
6.	Risk Management	11
7.	Safeguarding Adult Referrals and Concerns	11
7.1.	Safeguarding Adult Referral	11
7.2.	Safeguarding Adult Concern	16
8.	Safeguarding Adult Enquiries	20
8.1.	What is an Enquiry?	20
8.2.	Strategy Discussion/Meeting / S42 Threshold Decision	21
8.3.	Safeguarding Adult Enquiry	25
8.4.	Case Conference	36
8.5.	Case Conference Review	42
8.6.	Safeguarding Adults Enquiry Closure	43
9.	Safeguarding Adults Board	44
9.1.	Blackburn with Darwen Safeguarding Adults Board (SAB)	44
10.	Safeguarding Adult Review (SAR)	45
10.1.	What is a Safeguarding Adult Review	45
10.2.	Purpose of SAR	45
11.	Further Procedures to Consider	46
11.1.	Record Keeping and Confidentiality	46
11.2.	Recording on Blackburn with Darwen Borough Council’s Electronic Database	46



11.3.	Safeguarding Meeting Minutes	46
12.	Information Processing.....	47
13.	Escalation Policy	48
13.1.	Resolving Differences of Opinion / Stages of Resolution.....	48

2. Introduction

“Safeguarding Adults means protecting an adult’s right to live in safety, free from abuse and neglect. It is about people and organisations working together to prevent and stop both the risks and experience of abuse or neglect, while at the same time making sure that the adult’s wellbeing is promoted including, where appropriate, having regard to their views, wishes, feelings and beliefs in deciding on any action. This must recognise that adults sometimes have complex interpersonal relationships and may be ambivalent, unclear or unrealistic about their personal circumstances.”

- **Care and Support Statutory Guidance 2014 section 14:7**

3. Council Missions

Which of the Council’s missions does this policy meet?

- A more prosperous borough where no-one is left behind
- Build healthier, happier and safer communities
- Being an innovative and forward-thinking Council

4. Overview

This operational procedure explains the values and culture underpinning how to work with adults at risk and to support individuals to stay safe, well and live free from abuse and neglect. It also explains the process of raising an adult safeguarding concern, and, subsequently, Blackburn with Darwen Borough Council’s statutory duties and powers to undertake safeguarding enquiries, where there are concerns about the abuse, harm or neglect of an adult at risk.

This operational procedure:

- Refers to the models and principles underpinning safe practice
- Refers to the key steps that can be taken to safeguard adults at risk
- Clarifies the roles and responsibilities of individuals and organisations
- Reinforces that the adult at risk should experience the safeguarding process as empowering and supportive and that the views, needs and desired outcomes of the adult are central.

This procedure should be read in combination with the Pan-Lancashire Safeguarding Adult Multi-Agency Policies and Procedures, which gives further details of Safeguarding Adults principles and processes.

4.1. Categories of Abuse

There are 10 types of abuse defined within the Care Act (2014). These are:

- Physical Abuse

- Sexual Abuse
- Psychological or Emotional Abuse
- Financial or Material Abuse
- Neglect and / or Acts of Omission
- Modern Slavery
- Discriminatory Abuse
- Organisational Abuse
- Domestic Violence or Abuse
- Self-Neglect

4.2. Key Principles

There are 6 key principles, embedded within the Care Act 2014, which underpin all Safeguarding Adult work. The principles should inform the ways in which professionals and other staff work with adults:

- **Empowerment** – People being supported and encouraged to make their own decisions and informed consent
- **Prevention** – It is better to take action before harm occurs
- **Proportionality** – The least intrusive response appropriate to the risk presented
- **Protection** – Support and representation for those in greatest need
- **Partnership** - Local solutions through services working with their communities. Communities have a part to play in preventing, detecting, and reporting neglect and abuse
- **Accountability** – Accountability and transparency in delivering safeguarding

(Care and Support Statutory Guidance 2014 section 14:13)

4.3. Making Safeguarding Personal

Making Safeguarding Personal (MSP) means safeguarding work should be person-led and outcome-focused. MSP '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.' (DH, 2018: s14 15)

MSP should ensure safeguarding is more effective from the perspective of the person involved in the enquiry. It is a way of working that should be seen across all practice areas, not limited to safeguarding. MSP means practice is person-centred, outcomes focused and strengths based. It is about seeing people as experts in their own lives and working alongside them with the aim of enabling them to reach better resolution of their circumstances and recovery.

Adults at risk should be supported and empowered to take control of their own lives. The right balance needs to be sought between protecting adults and enabling them to manage risk independently. In order to do this, adults need to be at the centre of any decision making around their safety and wellbeing.

'Outcome focused' means asking the person what they want to achieve through safeguarding processes. This is sometimes described as understanding their 'desired outcomes.' Understanding what a person wants to achieve should be a continuous and ongoing process, from the start of any safeguarding work through to its conclusion. MSP processes should ensure a focus on the needs and requirements of the person at the centre; this should make it easier to ascertain and measure what difference has been made.

The government has provided some useful resources on Making Safeguarding Personal, which can be accessed here: [Making Safeguarding Personal toolkit \(local.gov.uk\)](#)

4.4. Desired Outcomes

Desired outcomes are the changes an adult at risk wants to achieve through the support they receive. Examples of desired outcomes include:

- Feel Safe
- To be listened to
- Not to be hurt
- Justice
- Maintain relationships
- Support for the person causing harm
- Abuse to stop
- Feel in control
- To be treated fairly and equally

4.5. Safeguarding Adults: The key 6 steps

How They Support Safeguarding Adults

The purpose of the Safeguarding Adult's operational procedure is to support staff to take appropriate actions when an adult with care and support needs is believed to be at risk of or experiencing abuse and / or neglect.

There are 6 key steps within the Safeguarding Adults process:

1. Adult Safeguarding Referral

This is the process of reporting a concern about the abuse and / or neglect of a vulnerable adult to the Local Authority. In some cases, this will represent the first contact between the person raising the concern and the Local Authority; at other times, this will be raised during ongoing discussions or joint working between agencies.

Professionals should refer to the 'Blackburn with Darwen Adult Safeguarding Continuum - Guidance for Safeguarding Concerns' to consider the information required to assess and identify adults at risk and vulnerability to abuse and / or neglect. For all statutory Safeguarding concerns, a formal Adult Safeguarding Referral will be required, but this should not delay safety planning for concerns that are time critical and need an urgent response. In these situations, a direct contact can be made with the Safeguarding team (e.g., by phone) to discuss the concerns.

The 'Blackburn with Darwen Adult Safeguarding Continuum - Guidance for Safeguarding Concerns' can be accessed here: www.lsab.org.uk/policies

2. Adult Safeguarding Concern

Following Referral, the information received will be recorded as an Adult Safeguarding Concern. The Council will establish whether there is a statutory duty to make safeguarding enquiries under section 42 of the Care Act 2014. Ordinarily, the dedicated Safeguarding Adults Team will be responsible for considering the initial information about the Concern and reaching a view whether statutory Safeguarding Enquiries are required, taking account of the Safeguarding Continuum.

Section 42 of the Care Act applies where a local authority has reasonable cause to suspect that an adult in its area (whether or not ordinarily resident there)—

- (a) has needs for care and support (whether or not the Authority is meeting any of those needs),
- (b) is experiencing, or is at risk of, abuse or neglect, and
- (c) as a result of those needs is unable to protect himself or herself against the abuse or neglect or the risk of it.

Section 42(2) states 'The Local Authority must make (or cause to be made) whatever enquiries it thinks necessary to enable it to decide whether any action should be taken in the adult's case (whether under this Part or otherwise) and, if so, what and by whom.'

If section 42 of the Care Act 2014 duty applies, safeguarding adult enquiries MUST take place. Non-statutory enquiries or other responses will be at the discretion of the Council.

Where there are no grounds for section 42 enquiries, the Adult safeguarding Concern can be ended at this point with a clear rationale. In deciding this, consideration should be given to:

- any risks identified
- the adult's own wishes and desired outcomes from any intervention
- the adult's ability to make their own decisions
- the adult's ability to protect themselves from possible abuse and/or neglect
- any safety measures in place

At any point during this information-gathering stage, an interim protection plan may be required to reduce the risk to the adult at risk and/or others.

3. Strategy Discussion and /or Meeting / S42 Threshold Decision

Following a decision that a statutory Safeguarding Enquiry is needed; a plan needs to be made of how the enquiry will be taken forwards; this is done through a Strategy Discussion and/or Meeting.

The objective of the Strategy step is to share, discuss and consider the known evidence with the relevant professionals and individuals involved, and agree an Adult Safeguarding Enquiry Plan. This must be recorded on the Mosaic recording system.

Where required, the Interim Protection plan is required to reduce and/or manage risk for the adult at risk and/or others while Adult Safeguarding Enquiries are undertaken and should be documented as an interim protection plan.

4. Adult Safeguarding Enquiry

The Safeguarding Enquiry process is effectively an 'investigation' into the concern raised and refers to any enquiries into the concern made or instigated by the Local Authority AFTER receiving a safeguarding concern. As such, it involves the process of gathering and analysing the available information relating to the alleged abuse and/or neglect.

As far as possible, an Adult Safeguarding Enquiry should establish:

- whether any actions are needed to prevent or stop abuse and /or neglect of a vulnerable adult
- if so, who should take these actions
- the adult's own wishes and desired outcomes from any intervention

In order to do this, anyone undertaking Safeguarding enquiries will take steps to understand:

- the adult’s needs and any related risks
- the nature of the suspected abuse and/or neglect
- what interventions may protect the adult against abuse and /or neglect
- the adult’s capacity and ability to make their own decisions

Any work undertaken by Blackburn with Darwen Adult Social Care staff as part of a Safeguarding Enquiry must be recorded on the Mosaic recording system.

5. Case Conference

Following an Adult Safeguarding Enquiry (statutory Section 42 or other), a Case Conference may be required to review and agree the findings, update risk assessments, and to formulate a Full Protection Plan, with the relevant professionals and individuals involved. A Full Protection Plan outlines the ongoing actions required to reduce or manage any ongoing risks of abuse and / or neglect to an adult at risk or others.

a. Case Conference Review

Where risks of abuse and / or neglect are ongoing, or where the Case Conference identified further necessary actions, a Case Conference Review may be required before Enquiries are concluded. The Case Conference Review will provide the opportunity to review these with the relevant professionals and individuals involved.

6. Ending the Safeguarding Procedure

The safeguarding procedure can be ended at three specific points:

Within the information gathering stage where the Adult Safeguarding Concern has been raised and screened which establishes that it does not require further enquiries within the adult safeguarding procedures (where risks have not been identified, the adult is not identified as being at risk, where risks have been reduced, or at the adult’s request and where there are no risks to others),

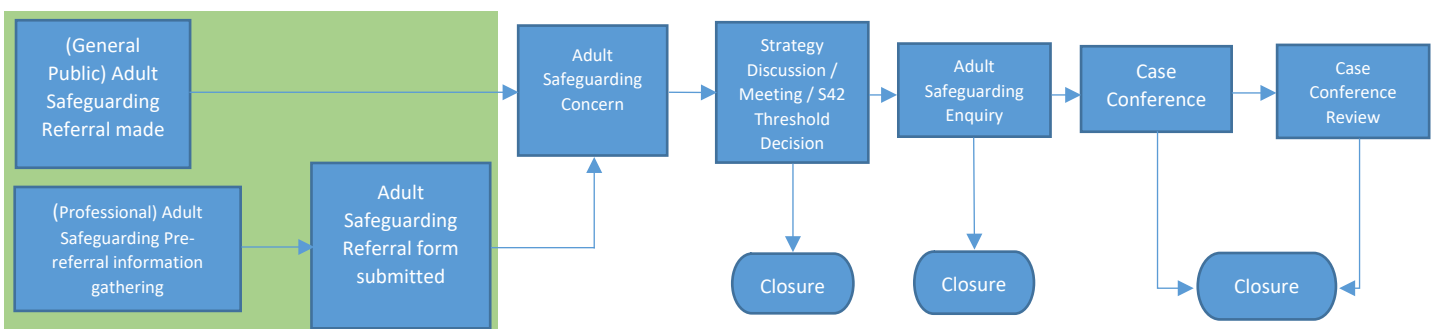
OR

Following complete, proportionate enquiries, where it has been determined that a case conference is not required

OR

Following complete, proportionate enquiries following a case conference, or case conference review (if required), being held.

An illustration of the safeguarding process:



5. Roles and Responsibilities

5.1. Blackburn with Darwen's Multi-Agency Safeguarding Hub (MASH)

The Multi-Agency Safeguarding Hub (MASH) provides information sharing across organisations involved in safeguarding children and adults who may be at risk. This includes statutory, non-statutory and third sector organisations. Partner agencies work together to provide the highest level of knowledge and analysis to ensure that all safeguarding activity and intervention is timely, proportionate and necessary.

The MASH focuses on three key functions:

- Victim identification and early intervention
- Harm identification and reduction
- Co-ordinating partner agencies

The MASH contributes to improved outcomes for safeguarding children and adults due to swiftly collating and sharing information held by various organisations and to provide a multi-agency risk assessment of each case for actual or likely harm.

The Advanced Practitioners from within the Safeguarding Adults Team and wider Adult Social Care Teams provide daily input into the MASH. Responsibilities include screening and signposting Safeguarding Adult Referrals for allocation or information and ensuring that Safeguarding Enquiries are carried out without unnecessary delay. Working collaboratively within the MASH supports the identification of significant risk and contributes to the reduction of harm.

5.2. Prevent & Channel Referral Process

Prevent is one of the elements of CONTEST, the UK government's counter- terrorism strategy and aims to stop people becoming terrorists or supporting terrorism. Prevent initiatives tackle both the causes and risk factors that can lead someone to become radicalised. It directly supports those who are at risk through early intervention, is resourced to risk and addresses **all forms of terrorism and extremism**. Prevent works in a similar way to other safeguarding processes designed to protect individuals whereby the level of intervention increases with the level of risk.

Radicalisation is the process by which a person comes to support terrorism and in some cases may then participate in terrorist activity. There is no single process or indicator of when a person might move to adopt violence in support of extremist ideas. The process is different for each individual and can take place over an extended period or a short time frame.

Extremism is defined as vocal or active opposition to British values, including democracy, the rule of law, individual liberty and mutual respect and tolerance of different faiths and beliefs. It also includes calls for the death of members of the armed forces here or abroad.

If you **notice** a change in an individual that concerns you, in that they may be vulnerable to radicalisation, follow your organisation's safeguarding policy/ Prevent & Channel referral process.

Check your concern with a manager or designated safeguarding lead and contact the Prevent team for advice.

Share the concern with the police by completing the Prevent referral form.

Referrals will be screened for suitability through a preliminary assessment by the Police. If suitable for multi-agency consideration, it will be passed to the dedicated Police Officers within the **Channel / Prevent** team.

Immediate risk to life / emergency: call 999

Police Prevent Team: 01772 413398 / channel@police.uk

Complete the Prevent referral form and send it to: concern@lancashire.police.uk

Channel Duty Guidance can be found here: Channel Duty Guidance: [Channel Duty Guidance: Protecting people susceptible to radicalisation \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)

5.3. Person Raising a Concern

Safeguarding is everybody's business. Anyone who has concerns that an adult is at risk of abuse, harm and / or neglect should report the concerns to Blackburn with Darwen Borough Council's Safeguarding Adults Team. Please refer to section 2.4.1 on 'How to Raise an Adult Safeguarding Referral.'

The person raising a concern could be:

- The adult at risk
- A family member or friend
- A member of staff
- A volunteer
- A member of the public
- Partner agencies

5.4. The Safeguarding Adults Team Manager

The Safeguarding Adults Team Manager is a manager from within Blackburn with Darwen Borough Council's Adult's Social Care Service, who has the responsibility for coordinating and managing the safeguarding response within his/her own specialist service area.

The role includes:

- Deciding what is the most appropriate response in dealing with the safeguarding concern, including whether a section 42 enquiry is required
- Supporting and chairing a strategy discussion/meeting
- Coordinating a section 42 Enquiry
- Overseeing the enquiry undertaken by the Safeguarding Enquiry Officer
- Chairing a Risk Assessment and Planning (RAP) meeting

- Ensuring that safeguarding documentation has been completed on Blackburn with Darwen Borough Council's Adult Social Care electronic database, Mosaic
- Completing audits and ensuring outcomes from within are shared wider to support continuous improvement.

5.5. The Safeguarding Adults Enquiry Officer

The Safeguarding Adults Enquiry Officer will be a registered Social Worker from Blackburn with Darwen Borough Council's Safeguarding Adults Team, or wider Adult Social Care Team.

The role of the enquiry officer is to collate information from his/her own enquiries and/or those enquiries made by others, to establish whether any further action is needed to protect the adult/s at risk.

The Safeguarding Enquiry officer is key in maintaining communication with the adult at risk and/or his/her advocate throughout the safeguarding process.

It is the responsibility of the safeguarding enquiry officer to write a record and write a report on the findings of the enquiries which supports the assessment of risk and formulation of the safeguarding plan.

The role includes:

- Establishing the desired outcome of the adult at risk and reviewing the desired outcome throughout the safeguarding process
- Maintaining communication with the adult at risk and/or his/her advocate
- Conducting enquiries under section 42 of the Care Act into abuse and / or neglect
- Collating information from all people who have been tasked to make enquiries
- Formulating a report to conclude the findings of the enquiry/enquiries

6. Risk Management

Risk Management is the action/s needed to safeguard an adult or adults from abuse, harm or neglect.

Risk Management is the term used to reflect a broad range of different actions and approaches that may be used to respond to the risk of abuse and / or neglect either where a formal enquiry is not required, or as an outcome of an Enquiry. There are no fixed set of actions required in all circumstances, and there could be a range of responses to address the safeguarding concern/s.

Throughout the Safeguarding Adult process there are a number of key Risk Management activities that may be required dependent on the step.

7. Safeguarding Adult Referrals and Concerns

7.1. Safeguarding Adult Referral

What is a Safeguarding Adult Referral?

A Safeguarding Adult Referral represents the first contact between a person concerned about the abuse and / or neglect of an adult at risk and the Local Authority.

A concern could be:

- information that was disclosed to you by the adult at risk,
- information reported to you by a friend/relative/carer or someone else, or
- something that you have witnessed or suspect.

When to raise a Safeguarding Adults Referral

Raising a Safeguarding Adults Referral means reporting to Blackburn with Darwen Borough Council that you have concerns about a person, aged 18 years and above, and you think the following apply:

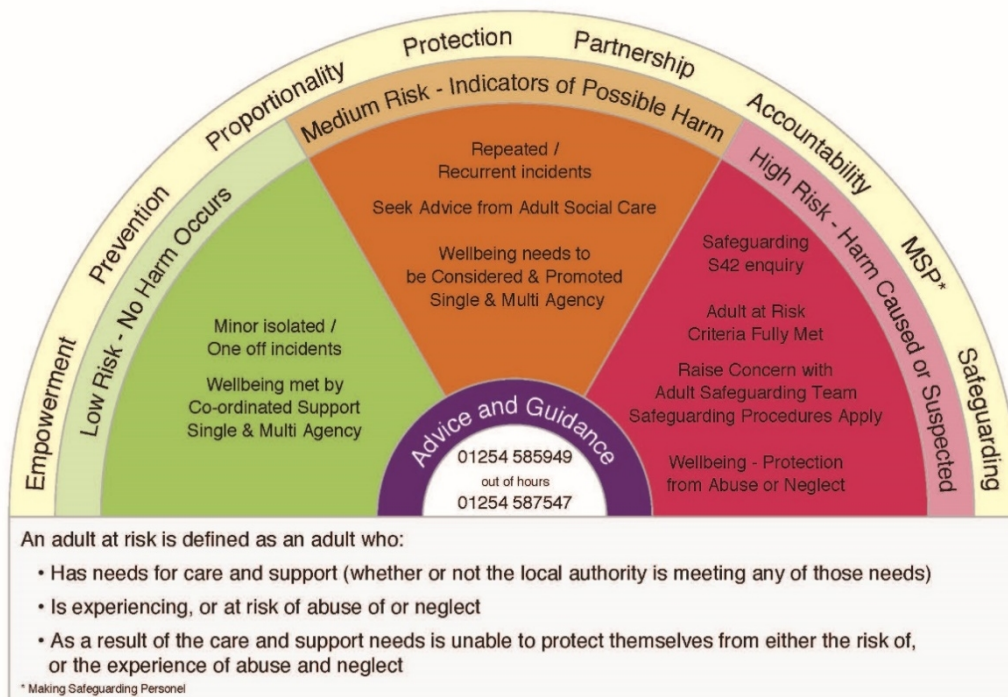
The adult -

- has needs for care and support (whether or not the Authority is meeting any of those needs)
- is experiencing, or is at risk of, abuse or neglect, and
- as a result of those needs is unable to protect himself or herself against the abuse or neglect or the risk of it.

A Safeguarding Adult Referral may be made by:

- The adult themselves through direct disclosure to the Council.
- A member of the general public who may contact the Council with whatever information they have available, and feel is relevant in relation to the abuse or neglect of an adult at risk
- A partner professional who works with adults in Blackburn with Darwen.

Please note, professionals who work with adults who may be at risk of abuse and / or neglect should refer to the 'Blackburn with Darwen Adult Safeguarding Continuum - Guidance for Safeguarding Concerns' to consider the information required to assess and identify adults at risk and vulnerability to abuse and / or neglect. The Continuum is a framework intended to aid practitioners and managers make decisions when addressing Safeguarding Adult concerns. This ensures Concerns are reported and investigated at the appropriate level and provides consistency across agencies. The Continuum is published as a simple visual guide (below) and also as a more detailed guidance document, covering a range of considerations around Safeguarding Concerns.



Consent

You should always try to discuss your concerns with the adult at risk and seek his/her views and wishes about what they would like to happen.

There are some instances when you may need to raise a Safeguarding Adult Referral without the person's consent, for example where:

- it is in the public interest to do so, for example, there are risks to other adults who have care and support needs;
- the person lacks capacity to consent, and it is considered raising a concern is in the person's 'best interest';

- the person is subject to coercion or undue influence which affects his/her ability to consent;
- it is in the person's vital interests i.e., in life-threatening situations to prevent serious harm.

How to raise a Safeguarding Adults Referral

All safeguarding referrals should be made to Blackburn with Darwen's Safeguarding Adults team. The team's duty function will record the Safeguarding Adult Concern and ensure it is dealt with as quickly as possible by the most appropriate person.

For a member of the general public or the adult themselves - the concern can be raised by using the online form on the Council's website, or by phoning the Safeguarding Adults Team on 01254 585949. The Safeguarding Adults Team work from 9am to 5pm, Monday to Friday (excluding bank holidays). Outside of these hours, urgent Safeguarding Concerns can be raised with the Emergency Duty Team on 01254 587 547.

For partner agencies - Safeguarding Concerns should be raised via the appropriate online form on the Council's website.

The online forms for safeguarding referrals are on the council's website:

<https://www.blackburn.gov.uk/adult-social-care/safeguarding-adults/get-touch>

Where the issues being raised are time-critical and Emergency Protection Plans may be required, the referrer should make phone contact directly with the Safeguarding Adults Team (or EDT if out of hours). A Safeguarding Adult Referral form is still required and should follow as soon as is safe and appropriate to do so.

Contacting Emergency Services

It is important to ensure the safety of an adult at risk when you are raising a Safeguarding Concern, such as the need for emergency medical treatment or Police intervention if a crime is taking place. Criminal offences of a sexual nature will require expert advice from the Police.

Where an adult is at risk of abuse and / or neglect, consideration should be given as to whether a criminal offence has occurred. **If it is considered a crime has or may have occurred, this should be referred to the Police immediately and separately to the raising of the Safeguarding Adult Referral.**

Preserving Evidence

Where a Safeguarding Concern involves possible criminal offences, it is important that evidence is not contaminated or lost. Advice should be sought from the Police about how to preserve evidence in specific situations. Evidence may be present even if it is not/cannot be seen, therefore precautions should be taken, such as:

- do not disturb the scene or move any 'evidence' where possible
- secure the scene i.e., by locking a room or a property where the incident took place
- keep any documents, containers as potential evidence.

Guidance for Health, Social Care and related providers

It is the responsibility of any individual or organisation who is affiliated to this operational procedure to take action if they suspect abuse of an adult subject to the Safeguarding Concern. There should be Safeguarding policies and procedures detailing responsibilities of all staff (and volunteers) within registered health and social care organisations.

Raising a Safeguarding Adult Referral: Summary of who to contact

How to Make a Safeguarding Adult Referral

Who should you contact?

Whether you are raising an alert on behalf of yourself or on behalf of another:

Contact the Blackburn with Darwen Safeguarding Adults Team

Online forms: <https://www.blackburn.gov.uk/adult-social-care/safeguarding-adults/get-touch>

Telephone: 01254 585 949

Email: Safeguarding.Adultsteam@blackburn.gov.uk

For urgent concerns, contact the Safeguarding Adult team directly

01254 585 949

Or, for out of hours, contact the Emergency Duty Team

01254 587 547

- Please contact the Police immediately if you think a crime has been committed.
- In an emergency telephone **999**
- For all other non-urgent Police matters telephone **101**



Raising a Safeguarding Adult Referral Checklist

If you have information that an adult at risk is potentially experiencing abuse and / or neglect, it is useful to consider the following checklist:

Information required

- Have you gathered enough information to raise the referral? Personal details (Name, DOB, Address)
- What is the nature of abuse/potential abuse?
- Does the person have care and support needs?
- What does the adult at risk want to happen?
- Persons individual circumstances which may impact/increased risk
- Consent

Immediate safety

- Does the person need emergency medical treatment or the Police to attend urgently? If so call 999

Crime

- Has a crime been committed? Call 101 if non-emergency. Consider and seek advice from the Police about preserving evidence.

Record

- Have you documented the concern/incident and all actions taken?

Support

- Have you provided support and reassurance to the adult at risk?
- Have you provided support to people e.g., employees who may have identified the safeguarding concern?

7.2. Safeguarding Adult Concern

All Safeguarding Adult Referrals received will be recorded as a Safeguarding Concern on Blackburn with Darwen Borough Council's electronic recording system, Mosaic. Any issues brought to the Council that appear to relate to the abuse or neglect, or risk of abuse and neglect, of an adult with needs for care and support (whether or not the Authority is meeting any of those needs) should also be recorded as a Safeguarding Adult Concern, regardless of whether it was initially identified as a Safeguarding Adult Referral by the person making the contact.

Once recorded as a Safeguarding Adult Concern, a process of further information gathering and screening will then take place.

Information Gathering and Screening

The main purpose of this activity is to establish whether there is a statutory duty to make safeguarding enquiries under section 42 of the Care Act 2014. Blackburn with Darwen Borough Council should collate sufficient information for it to make a decision about how to respond to the Safeguarding Adult Concern. The Local Authority needs to be able to establish whether the following criteria has been met: -

Is the person....

a) an adult at risk? AND

b) experiencing or at risk of abuse, harm and neglect? AND

c) requiring support to protect self?

This information gathering may take place in a variety of ways, including the review of existing available records, communications and information exchanges (including meetings) with other partner professionals, and meetings and discussions with the adult at risk and other relevant individuals.

If the adult meets all of the above criteria, then the section 42 duty is met. Accordingly, Blackburn with Darwen Borough Council **MUST** decide what is the most appropriate and proportionate response to the risk presented. In certain circumstances and at their discretion, Blackburn with Darwen Borough Council may determine that a Safeguarding Adult Enquiry is required where the full criteria have not been met. Such Enquiries are called Non-Statutory Enquiries. These will be referred to in more detail within the process.

If the criteria for the section 42 duty is not met, and a Safeguarding Adult Enquiry is not determined to be required, the Safeguarding Adult Concern may then be closed at this point. No further action may be necessary, or an Assessment or Reassessment of Need, or another action may then follow, as required.

The rationale for progressing to Enquiries, or for closure of the Safeguarding Adult Concern should be clearly outlined.

During information gathering, where an adult at risk has NHS funded care in place, checks must be made with the Integrated Care Board (ICB) to confirm if the Safeguarding Concern has been appropriately shared with them.

Relatives and Informal Carers

Circumstances which may result in Enquiries under this operational procedure in relation to relatives and unpaid carers are where:

- A carer may witness or speak up about abuse and / or neglect;
- An informal carer may experience intentional or unintentional harm from the adult that they are trying to support or from the professionals and organisations that they are in contact with
- An informal carer may intentionally or unintentionally harm or neglect the adult that they support, alone or with others.

When a Safeguarding Adult Concern is raised regarding a relative or an informal carer, consideration needs to be given to the circumstances so that a proportionate response can occur. This should include the specific needs of the person and of the relative or informal carer. For example, it may be useful to consider whether the harm/risk of harm was deliberate or unintentional to decide whether an assessment for the adult or carer is more appropriate than a section 42 enquiry.

Any decisions made need to consider the adults rights to private and family life and, if the adult wishes to maintain relationships, responses should ordinarily aim to support the continuation of the relationship.

Abuse by another Adult at Risk

Safeguarding incidents which occur between adults at risk need to be dealt with proportionately. The level of risk should be considered when deciding how to respond. Where adults reside together in a care setting, it should be recognised that living with persons who causes harm can add to the emotional distress experienced.

The fact that the person alleged to have caused harm may have a particular diagnosis or condition should not prevent a Safeguarding response. However, the need for additional support planning and risk assessment will be required, along with the safeguarding for the adult at risk.

Repeat Allegations

An adult at risk, or his/her representative, who makes repeated allegations that have proven to be unfounded should be treated without prejudice. All allegations should be considered in their own right. Organisations should have procedures for responding to such allegations which should include risk assessment and protection for both the adult at risk and the staff members providing support. Repeat allegations may not necessarily warrant a full Safeguarding response. For example, if a situation is being risk managed optimally, then it may be more appropriate to review the needs of the individual(s) concerned.

Self-Neglect

Self-neglect covers a wide range of behaviour, such as neglecting to care for one's personal hygiene, health or surroundings and includes behaviour such as hoarding. It should be noted that self-neglect may not prompt a section 42 enquiry. In the first instance, an assessment should be offered for the provision of support. Where a person lacks mental capacity in relation to making decisions about his/her care and support needs, a best interest meeting/decision should be held under the Mental Capacity Act MCA 2005.

Before Safeguarding Adult Enquiries are initiated, attempts to engage the adult should take place. If attempts are unsuccessful, and a significant risk of harm remains, a multi-agency response is required to assess the level of risk and to look at alternative ways of support that may be more acceptable to the adult at risk. Such actions would be managed via a Risk Management response rather than more formal Enquiries.

Please note, if the above criteria are not met then the section 42 duty does not apply. In other words, the Local Authority is not obliged to undertake a Safeguarding Adult Enquiry. However, in these circumstances the Local Authority may choose to undertake non-statutory Enquiries akin to a section 42 Enquiry.

Communications on the outcome of the Safeguarding Adult Concern step

Consideration should be given to the appropriateness of providing feedback to the person raising a concern at this point, taking into account the nature of the relationship, confidentiality, data protection issues and the wishes and consent of the adult at risk concerned.

Where the referrer is a partner agency with an ongoing involvement in the persons care and support, Blackburn with Darwen Borough Council may:

- Contact the referrer to gather more information about the concern which can support decision making regarding the outcome.

Where the decision is made to progress to a Safeguarding Enquiry, Blackburn with Darwen Borough Council will:

- Inform the referrer of this outcome and the details of the team who will follow up, and;
- May invite the referrer to the strategy discussion/meeting if this is considered appropriate by the Safeguarding Adults Team Manager.

Any further communications strategy will be set out in the strategy discussion/meeting. Where the decision is made to close the Safeguarding Concern, Blackburn with Darwen Borough Council will:

- Communicate the outcome to close the concern to the referrer.

8. Safeguarding Adult Enquiries

8.1. What is an Enquiry?

An Enquiry refers to any action taken, or instigated, by the Local Authority AFTER it has been established that the adult at risk meets the criteria for Safeguarding, outlined in Section 42 of the Care Act (2014), or that a Non- Statutory Enquiry is required despite the Section 42 duty not applying.

Enquiries can range from being short pieces of work (such as telephone calls or one-off visits), to more formal enquiries where a multi-agency approach is required.

An Enquiry may constitute a series of activities to manage the risks of abuse and/or it may require meetings and interviews to further coordinate and establish the facts.

Where a crime has been committed, a Police investigation will take precedence, although a Safeguarding Adults Enquiry is still required, and these two enquiries should take place in parallel with clearly defined roles and responsibilities agreed between Police and Social Care as part of the Enquiry plan.

Where a person has died and a Coroner's Inquest is opened, a Safeguarding Enquiry is still required, and these two enquiries should take place in parallel, each working to their specific purpose.

The Purpose of an Enquiry

The objectives of an Enquiry into abuse and / or neglect are to:

- Establish the 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 recover.

Non-Statutory Safeguarding Enquiry

These are enquiries carried out on behalf of adults who DO NOT meet the criteria outlined in Section 42 of the Care Act 2014. These enquiries may relate to an adult who is believed to be experiencing, or is at risk of, abuse and / or neglect, but does not have care and support needs (for example might just have support needs).

Local Authorities are NOT required by law to carry out enquiries for these individuals and do so at its own discretion.

8.2. Strategy Discussion/Meeting / S42 Threshold Decision

The purpose of a Strategy Discussion / Meeting / S42 Threshold Decision is to engage all the relevant partners, professionals and individuals involved (including the adult themselves wherever possible) to plan what happens next. For example, this may include:

- Deciding the actions necessary to deliver the enquiries (establish further information and evidence required to inform a conclusion), and who will undertake these, and by when
- Deciding the actions necessary to protect the adult at risk or others at risk, and who will undertake these, and by when.

This step in the process does not necessarily have to be something formal. It should always be a multi-agency discussion. It may be more appropriate to have a formal meeting (a Strategy Meeting).

A Strategy Meeting is likely to be required where:

- a multi-agency perspective is required to assess the risk, inform or contribute to the Safeguarding Plan, or inform the Enquiry
- there is a need to coordinate the Enquiry with enquiries being undertaken by other agencies
- a large-scale Enquiry is being considered

- there are concerns about the safety of the service or organisational abuse
- a serious crime has occurred
- Strategy Meeting will assist the adult at risk/representatives to reach resolution and recovery from his/her experiences

If a Strategy Meeting is required, the Safeguarding Adults Team Manager is the person responsible to oversee the organisation and chairing of the Strategy Meeting, ensuring that key actions are recorded and circulated within 5 working days of the Strategy Meeting taking place. There is an expectation that professionals attending the Strategy Meetings will take a record of their own actions.

The Strategy Discussion (and Strategy Meeting) will need to include:

- sharing information about the safeguarding concern/allegation
- consideration of the wishes and desired outcomes of the adult at risk, and/or his/her best interests where they lack the mental capacity in relation to relevant decisions, and an agreement of how the adult at risk will be involved and included within the Enquiry and any support they may require
- assessment of the risk to the adult at risk or others, including children
- agreement of an interim safeguarding plan
- planning the Enquiry, coordinating the involvement of other organisations where required.

Target timescale:

The Strategy Discussion / Meeting should be held within 5 working days of receiving a Safeguarding Concern.

Who should be involved in a Strategy Discussion / Meeting / S42 Threshold Decision?

The Safeguarding Adults Team Manager will need to decide who to involve in a Strategy Discussion / Meeting. Discussions or attendance at meetings should be limited to those who need to know and who can contribute to the decision-making process. This may include an appropriate representative of any organisation that has a specific role in relation to undertaking enquiries or specialist assessments, assessing risk, carrying out part of the safeguarding plan, or taking action in relation to the person alleged to have caused harm.

Local Authorities or ICB's funding the adult's care need to be involved. The 'ADASS: Out-of-Area Safeguarding Adults Arrangements: Guidance for Inter-Authority Safeguarding Adults Enquiry and

Protection Arrangements 2016' sets out respective responsibilities when abuse and / or neglect occurs in one Local Authority area, but the person receives services funded/commissioned by another. The guidance is adopted as part of this procedure and should be considered in these circumstances when deciding who to involve in the Strategy Discussion.

Where the allegation/concern involves abuse occurring within a regulated or contracted service, the Safeguarding Adults Team Manager / Safeguarding Enquiry Officer should continue to consider involving, as appropriate:

- Quality Monitoring
- Contracts
- Care Quality Commission
- ICB

Participants in the Strategy Discussion should be of sufficient seniority to make decisions concerning the organisation's role within any subsequent Enquiry and the resources they may contribute to the Safeguarding Plan.

Any organisation requested to participate in a Strategy Discussion should regard the request as a priority. If no one from the organisation is able to attend a meeting, they should provide information as requested and make sure it is available to the Safeguarding Enquiry Officer.

Involving the Adult at Risk

The adult at risk should experience the Safeguarding process as empowering and supportive. It is vital that the views, needs and desired outcomes of the adult at risk are central to the Strategy Discussion.

It may be appropriate to invite the adult at risk to a Strategy Meeting or to part of it, to contribute his/her views and needs directly to the meeting. It is vital that decisions about Safeguarding arrangements are made in partnership with the adult at risk.

In the event that the adult at risk is not able or does not wish to attend, or it is not appropriate for them to attend, every effort should be made to explain its purpose to the adult at risk, to find out his/her concerns, what they want to happen, how they want to be involved and the support they feel they need in order to be safe.

The desired outcomes of the adult at risk should inform decision making as far as possible. However, there will be instances when it may be necessary to override the person's wishes such as situations where others could be at risk.

Consideration should be given to the need for an independent advocate to enable the person to participate in decision making.

Where a person is without the mental capacity to decide about his/her involvement, a decision will need to be made in his/her 'best interests'. The Strategy Discussion/Meeting must decide who will liaise with the adult at risk about decisions reached or required if they are not present.

Risk Management Actions

Risk management actions which may form part of the Interim Protection Plan discussed and agreed through the Strategy Discussion/Meeting are:

- Action taken by the adult to safeguard themselves
- Action taken by the commissioner or provider
- Assessment of care and support needs
- Carer's assessment
- Unscheduled review of care and support
- Mediation
- Multi-agency risk assessment
- Social work intervention
- Person causing harm is also an adult at risk If the person causing abuse or neglect is also an adult at risk, it may be necessary to hold a separate meeting to address the needs of the person causing the harm and the risks that they may present. It may be appropriate for a separate care manager/care coordinator to be involved in order to respond to these issues.
- Any other pertinent actions

Planning an Enquiry

The focus of the Enquiry is to establish the facts relating to the Concern, so as to be able to identify the safeguarding needs of the individual and others. Any Enquiry should be planned so that it is clear what information is required and how this information will be sought. Issues to consider include:

- the key lines of enquiries
- distinguish any elements that do not need to part of an Enquiry under the safeguarding procedure, and the alternative process (if any) being followed
- the involvement, support and communication needs of the adult at risk
- the involvement, support and communication needs of the person or organisation alleged to have caused harm
- opportunity for the person or organisation alleged to have caused harm to respond to allegations and the Enquiry findings concerning them
- risk to the adult or others including other adults at risk and/or children
- setting provisional dates for completion of the Enquiry Report
- setting provisional dates for the Case Conference Meeting

8.3. Safeguarding Adult Enquiry

The purpose of the Strategy Discussion/Meeting is to outline the plan for the Safeguarding Adult Enquiry. The delivery of this plan may include and involve a variety of activities undertaken by a variety of key individuals.

Causing others to make Enquiries and Multi-Agency Responses

Enquiries should be undertaken by those who have the best skills, knowledge, expertise and resources. This may involve asking another person or organisation, such as the current service provider manager to undertake particular activities.

The Strategy Discussion/Meeting will need to consider respective roles and responsibilities. A properly coordinated joint Enquiry will achieve more than a series of separate enquiries. It will ensure that evidence is shared, repeat interviewing is avoided and will cause less distress for the person who may have suffered abuse.

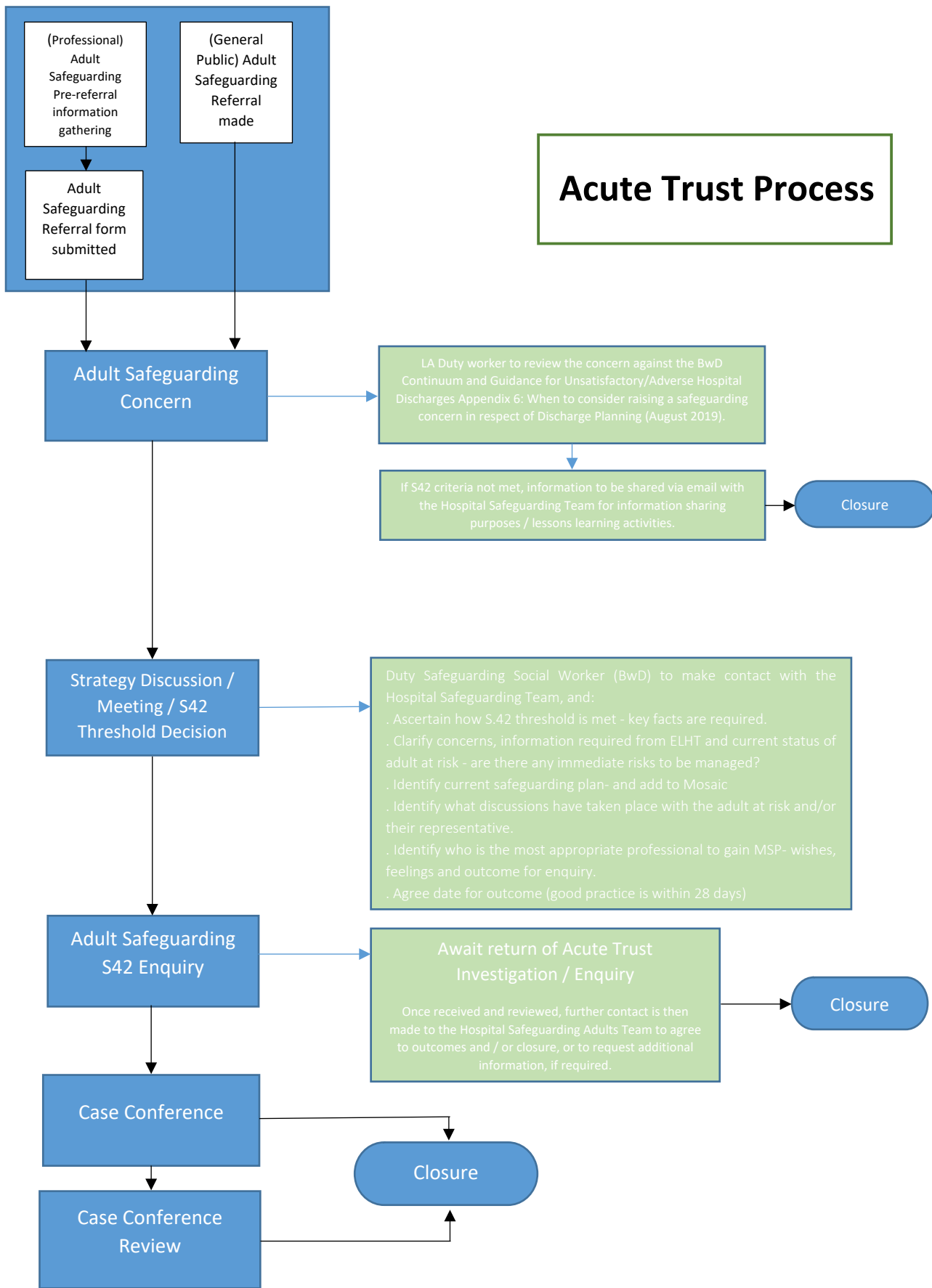
Each organisation must look for opportunities to work in partnership. Organisations however must be responsible and accountable for their own actions and decisions. In deciding how enquiry processes are coordinated, the following principles should be taken into account:

- the wishes and desired outcomes of the adult at risk
- the safety and individual wellbeing of the adult at risk
- in the case of a Police investigation that could lead to criminal proceedings, any other enquiry process should not commence without the prior agreement by the Police. This does not preclude, where appropriate and agreed, joint interviews and information sharing
- there should be clear agreement between the organisations concerned about the scope of their enquiries/ investigations and respective roles and responsibilities
- the timing and inter-relationship of the various enquiries needs to be considered
- Where possible, sharing of information may prevent the need for repeat enquiries into the same issues or concerns. Refer to information sharing guidance as required.

Acute Trust Process

Causing others to make enquiries and multi-agency responses is also inclusive of the Acute Trust Process for undertaking Safeguarding Enquiries - this is in respect of when there are concerns about the abuse, harm or neglect of an adult at risk, whereby East Lancashire Hospital Trust (ELHT) are the 'persons' alleged to have caused harm, or the alleged abuse has occurred within one of their Acute or Community Settings.

Please also refer to the Blackburn with Darwen Safeguarding Adult's Policy 'Acute Trust Process' for additional information.



Service Provider's responsibility to make Enquiries

Where abuse or neglect is alleged to have occurred within a regulated service, the service provider has a responsibility to support the enquiry unless there is a compelling reason why it is inappropriate or unsafe to do so. Where the levels of harm apply to a Safeguarding Enquiry (for residential and nursing care homes specifically) enquiries can be delegated to providers.

This will require a professional judgement, based on the individual circumstances and the principle of proportionality. However, there may be situations where it is not appropriate for providers to complete Enquiries, such as:

- organisational abuse is alleged, or
- the manager or owner of the service is implicated, or
- the issues may not be, or may not be perceived to be, responded to impartially by the service provider
- there are regulatory or commissioning implications
- non-effective past enquiries
- serious or multiple concerns
- it is a matter that should be investigated by the Police
- other organisations are needing to undertake elements of the Enquiry

Once the Enquiry is complete, Blackburn with Darwen Borough Council should be notified of the outcome, and will then determine with the adult what, if any, further action is necessary and acceptable.

Ongoing Assessment of Risk

Any Safeguarding arrangements made will need to be kept under review during a Safeguarding Adult Enquiry so as to ensure that risk is being appropriately managed. Any action taken must be proportionate to the concerns raised.

The Safeguarding Enquiry Officer should inform the Safeguarding Adults Team Manager if new information and / or evidence comes to light that suggests that further safeguarding planning, and possibly multi-agency meeting, is required.

If there are risks to any child, children services must be contacted at Blackburn with Darwen Borough Council without delay:

Children's Advice and Duty Service

Tel: 01254 666400 (Monday to Friday, 08:45am – 17:00pm), or

the Emergency Duty Team (out of hours) on **01254 587547**

Principles of Fairness

In undertaking the Safeguarding Adult Enquiry, it is important that it is carried out impartially and with fairness to all concerned. An Enquiry should be conducted without pre-judging its outcome.

The Enquiry should be undertaken objectively, based upon the finding of facts. An Enquiry should always be sufficiently thorough to ensure a balanced perspective is obtained in relation to the incident occurring (or alleged to have occurred).

The adult at risk should have the opportunity to give his/her account of what has happened to them and review the Enquiry findings.

Wherever practicable, a person alleged to have caused harm should be enabled to respond to allegations and the Enquiry findings, in respect to his/her actions/conduct. However, there will need to be consideration as to the timing that a person is informed, so as not to prejudice any investigation/enquiry required or place any person at risk.

Conducting Safeguarding Enquiries

A Safeguarding Enquiry Officer will gather and evaluate various sources of information, including:

- activities of other organisations, such as provision of expert reports e.g., specialist health reports;
- activities being undertaken by organisations through other enquiry/investigative processes, e.g., Police investigations, serious incident, complaint and disciplinary investigations;
- specialist reports in relation to aspects of the allegations/concerns, such as specialist health/medical reports;
- examination of documentary evidence such as files, accident and incident reports, daily logs, accounts, medical records etc.;

- interviews with the adult at risk, witnesses, the person alleged to have caused harm or representative(s) of the organisation alleged to have caused harm, and others who can provide relevant information;
- assessing relevant information provided by partner agencies.

Medical Treatment and Examination

In cases of physical abuse, it may be unclear whether injuries have been caused by abuse or some other means (for example, an accident). Medical or specialist clinical advice may need to be sought. If forensic evidence needs to be collected, the Police should always be contacted, and they will normally arrange for a Forensic Medical Examiner to be involved. Consent of the adult at risk should be sought for medical examination or the taking of photographs. Where the person does not have mental capacity to consent to medical examination or the taking of photographs, a decision should be made on the basis of whether it is in the adult's best interest.

Should it be necessary as part of the enquiry to arrange for a medical examination to be conducted, the following points should be considered:

- the rights, views and wishes of the adult at risk
- issues of capacity and consent
- the need to preserve forensic evidence
- the need for support/representation from family members or unpaid carers
- the need for independent advocacy

Interviews

Before any interviews take place, it must be established which agency is taking the lead and if the enquiries are Police led. Interviews must also be Police led whilst there are also criminal investigations.

Any interview needs to take into account the particular needs of the person being interviewed, regardless of whether that person is the adult at risk, a witness or the alleged person to have caused harm. The following points should be considered:

- does the person wish to be accompanied during the interview for emotional support or personal assistance?
- are there particular communication needs that need to be catered for?

- are there relevant cultural, spiritual or gender issues or particular support needs that need to be planned for?
- has the interview taken into account a person's cognitive abilities (for example, the person's
- concentration span, and the complexity of questions being asked)?

In addition, always ensure:

- the purpose of the interview is fully explained
- the venue for the interview is appropriate and private
- the person is aware of how the information they are sharing will be used
- that the individual understands what is taking place throughout the interview
- the interview is conducted at the individual's own pace; this may involve breaks or more than one
- interview to be conducted
- the adult at risk is not interviewed in the presence of the person alleged to have caused harm
- that everything is recorded as fully and accurately as possible
- that interviews are carried out sensitively and without any pre-judgement of the issues
- to avoid, wherever possible, repeat interviews of a person about the same incident

Safeguarding Adult Enquiry Report

Enquiry findings should be documented on the Blackburn with Darwen Borough Council's Adult Social Care electronic database, Mosaic. Detailed multi-agency findings should be documented on a Safeguarding Enquiry Report and external reports uploaded onto the electronic database.

This report should provide a summary of Enquiry activities and evidence obtained. The report may need to collate information from a range of sources and activities. In compiling the Safeguarding Enquiry report, the following principles should be adhered to:

- the report should be based upon the facts established within the Enquiry
- any opinions expressed within the report should be referenced as such
- the Enquiry report should be focused on the experience of abuse and what actions can safeguard the adult at risk from future harm
- if any person could not be interviewed or if certain records could not be accessed, the Enquiry report should record this and the reasons why

- the Enquiry report should make clear where evidence from different sources is contradictory
- the report should evidence how conclusions or recommendations have been reached
- Personal information concerning the adult at risk, the person alleged to have caused harm or any other parties, should be kept to the minimum necessary for the purposes of the report
- The report may contain information that relates to different individuals. It may be necessary for reports to be written in a way that enables particular sections to be shared as appropriate or be anonymised through use of initials or removal of names

The Enquiry Report should be agreed by the Safeguarding Adults Team Manager prior to Case Conference.

Target timescale: Enquiries should be completed within 28 consecutive days from the strategy meeting/discussion and where a case conference is required.

A draft report should be with the Safeguarding Adult's Team Manager 5 working days prior to the Case Conference. This will require approval prior to Case Conference.

Standards of Proof

In determining whether abuse has occurred, the standard of evidence for an Enquiry is 'on the balance of probability'. This is in contrast to the standard of proof for a criminal prosecution which is established as 'beyond reasonable doubt'. The balance of probability is based on the available evidence. For example, if there is more available evidence to suggest that abuse occurred, then abuse is substantiated. In contrast, if there is more available evidence to suggest that abuse did not occur, abuse is unsubstantiated.

The Safeguarding Enquiry Officer should make recommendations about whether abuse has been substantiated, unsubstantiated or was inconclusive, following the completion of Enquiries and this would be agreed by the Safeguarding Adults Team Manager. When a Case Conference is held following an Enquiry, the standards of proof is determined by all professionals involved casting a vote (see further information at Case Conference Discussion/Meeting section).

Additional Findings to the Safeguarding Adult Enquiry

Other findings may be discovered during the course of the Enquiry that do not relate to the Safeguarding Concern but are relevant factors and should be recorded. For example, this could relate to an area of poor practice not directly related to the harm or abuse.

The Safeguarding Protection Plan – Agreeing actions with the adult at risk

The Safeguarding Protection Plan should clearly set out the action that has been agreed to safeguard the adult/s at risk from the risk of abuse. The Plan should identify who is carrying out specific actions and the timescales for completion and review. Whilst developing a Safeguarding Protection Plan with an adult at risk, it is essential that they are at the centre of all decision-making. Practitioners should consider:

- **Empowerment.** It is vital that the adult at risk be in control of decisions as to how risks they face in his/her life are managed. Any intervention regarding family or personal relationships need to be carefully considered. The approach taken must consider how to support the adult to have the opportunity to develop, or maintain, a private life which includes those people with whom the adult at risk wishes to establish, develop or continue a relationship.
- **Prevention.** Clear actions should be in place to prevent harm or abuse from occurring or reoccurring. Risk assessments should include triggers/early warning indicators that could prevent harm or abuse, and adults at risk should be empowered to take action and seek the relevant support when they need it. Actions and Safeguarding Plans should be reviewed with the person to ensure that his/her safety and wellbeing is maintained.
- **Proportionality.** The Safeguarding actions taken should reflect the nature and seriousness of the risk, and wherever possible and appropriate, support the person to achieve his/her desired outcomes. While abusive relationships never contribute to the wellbeing of an adult, interventions which removes all contact with family members may also be experienced as an abusive intervention and risk breaching the rights to family life if not justified or proportionate.
- **Partnership.** Any Safeguarding Plan that impacts on the welfare of the adult at risk should be devised in partnership with them, taking into account his/her wishes and the impact of the Safeguarding Plan on his/her lifestyle and independence. This may include actions the adult at risk is taking, as well as the actions of the local authority and other organisations.
- **Protection.** Whilst it is important to support the person to work towards his/her desired outcomes where possible, this can never be at the expense of others being placed in a position of risk. Throughout any response within the Safeguarding Adults procedure, it is necessary to consider the safety of wellbeing of others. This may be those people living in the same family home, those in the same care environment or members of the wider public.

An adult at risk with mental capacity to make decisions about their safety may decide not to accept a Safeguarding Protection Plan, however protection arrangements should be offered and work undertaken to understand the reasons for not accepting support. Support may need to be offered in a manner the person finds more acceptable.

Where a person is without mental capacity to make decisions about his/her safety, decisions about protective arrangements should be made in his/her best interests taking into account his/her wishes, feelings, beliefs and values (Mental Capacity Act 2005). Decisions made should always be the least restrictive option.

- **Accountability.** All decisions need to be clearly recorded and shared with the person, the adult's representative, and all those who need to know, in agreement with the adult at risk.

Actions to Consider

Persons in a Position of Trust (PiPoT)

The Care Act 2014 introduced a single new statute to replace most existing adult social care law. The Care and Support Statutory Guidance formalised the expectations on local Safeguarding Adults Boards to establish and agree a framework and process for how allegations against people working with adults with care and support needs (i.e., those in a position of trust) should be notified and responded to.

Whilst the primary focus of safeguarding adults work is to safeguard one or more identified adults with care and support needs, there are occasions when incidents are reported that do not involve an adult at risk, but indicate, nevertheless, that a risk may be posed to adults at risk by a person in a position of trust (Care Act Guidance 2014, 14.121). Where such concerns are raised about someone who works with adults with care and support needs, it will be necessary for the employer (or student body or voluntary organisation) to assess any potential risk to adults with care and support needs who use their services, and, if necessary, to take action to safeguard those adults.

Examples of such concerns could include allegations that relate to a person who works with adults with care and support needs who has:

- behaved in a way that has harmed, or may have harmed an adult or child;
- possibly committed a criminal offence against, or related to, an adult or child;
- behaved towards an adult or child in a way that indicates they may pose a risk of harm to adults with care and support needs;
- their conduct has raised concern as to their suitability to a role in a position of trust.

Allegations against people who work with adults should not be dealt with in isolation. Any action necessary to address corresponding welfare concerns in relation to an adult involved should be taken without delay and in a coordinated manner. This framework applies whether the allegation relates to a current or an historical concern. Where the allegation or concern is historical, it is important to ascertain if the person is currently working with adults with care and support needs or children, and if that is the case, to consider whether information should be shared with the current employer.

As well as the responsibility for the safety of adults with care and support needs, employers also have a duty of care to their employees. They should ensure they provide effective support for anyone facing an allegation and provide the employee with a named contact if they are suspended. It is essential that any concern of abuse made against a member of staff or volunteer is dealt with very quickly, in a fair and consistent way that provides effective protection for the adult and, at the same time, supports the person who is the subject of the concern. The Care Act 2014 Statutory Guidance requires that 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. Individuals should also be made aware of their rights under employment legislation and any internal disciplinary procedures.

The Care Act 2014 Statutory Guidance reinforces the requirement that if an organisation removes an individual (paid worker or unpaid volunteer) from work with an adult with care and support needs (or would have, had the person not left first) because the person poses a risk of harm to adults, the organisation must make a referral to the Disclosure and Barring Service (DBS). It is an offence to fail to make a referral without good reason. If unsure, contact the DBS for further advice. In addition, where appropriate, employers should report workers to the statutory and other bodies responsible

for professional regulation, such as the Health and Care Professions Council, General Medical Council, Social Work England and the Nursing and Midwifery Council.

Any employer, student body, or voluntary organisation who is responsible for a person in a Position of Trust where there is a concern or allegation raised are expected to:

- Respond in individual cases where concerns are raised about people working in a Position of Trust, ensuring that the risk is assessed, investigated where appropriate through internal employment processes, and that risk management actions are identified and implemented as appropriate to the individual case;
- Ensure all adult or child safeguarding concerns that result from a concern about a Position of Trust are reported;
- Where appropriate, notify and refer to external agencies; to the CQC (where the person in a Position of Trust is working or volunteering in a CQC regulated organisation), statutory and other bodies responsible for professional regulation (such as the General Medical Council and the Nursing and Midwifery Council, The Charity Commission) and the DBS;
- Provide feedback at regular intervals to the relevant Local Authority (if there is a related S42 safeguarding enquiry) and to their commissioning agency (if they have one);
- Ensure the safety and protection of adults with care and support needs is central to their decision making;
- 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 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;
- Share information in line with these procedures where it is known the person in a Position of Trust also has other employment or voluntary work with adults with care and support needs or children;
- If an organisation removes an individual (paid worker or unpaid volunteer) from work with an adult with care and support needs (or would have, had the person not left first) because the person poses a risk of harm to adults, the organisation must make a referral to the Disclosure and Barring Service. It is an offence to fail to make a referral without good reason. For full details of when to refer an individual to the DBS and referral when the situation does not meet the legal duty, please visit the DBS website;
- At the conclusion of any Position of Trust enquiries, consider if the findings demonstrate evidence of a theme or pattern in the context of past and historic Position of Trust concerns; identify potential themes or system wide issues within the organisation; and ensure that appropriate action is taken by their organisation so that learning from past events is applied to reduce the risk of harm to adults with care and support needs in the future;
- Record the information and decisions clearly, including the rationale for any decision made;
- Records should be maintained in line with internal agency record keeping policies and requirements;
- Annual assurance will be requested from the Blackburn with Darwen Safeguarding Adult Board regarding the number of referrals dealt with in a reporting year including themes and trends identified through the investigation process.

For additional information relating to managing allegations relating to Persons in a Position of Trust, please refer to the Blackburn with Darwen Safeguarding Adults Policy - 'Managing Concerns Relating to People in a Position of Trust (PiPoT) with adults who have care and support needs.'

For raising a concern relating to a Person in Position of Trust, this can be accessed online at: https://my.blackburn.gov.uk/portal/itouchvision/r/customer/category_link?cuid=D09AC39A2320299542382E063F50C0A8C03D54A3&lang=EN&P_LANG=en

Risk to others. Some Safeguarding actions will be focused on managing the risk to others. Consent is not required to take actions that safeguard the safety and well-being of others. However, it would be good practice to inform the person of actions being taken, unless to do so would place any person at further risk.

8.4. Case Conference

Purpose of the Case Conference

The purpose of the Case Conference is to review the findings of the Enquiry, identify risks and agree safeguarding actions required to respond to the concerns, with all the relevant partner professionals and individuals – including the adult themselves wherever possible.

The Case Conference involves:

- working towards wishes and desired outcomes of the adult at risk where possible
- reviewing the Formal Enquiry report
- determining whether abuse or neglect has occurred
- assessing the level of any ongoing risk
- agreeing a Safeguarding Plan where required
- agreeing further actions to be taken
- deciding how any Safeguarding Plan is reviewed and monitored

Target timescale:

Case Conference/Discussion should take place within 28 consecutive days from the strategy discussion/meeting.

Case Conference Discussion or Meeting?

A Case Conference may be held and may take the form of Case Conference Discussion (informal) or Case Conference Meeting (formal). The decision as to whether a Case Conference Meeting or a Discussion is required will be decided by the Safeguarding Adults Team Manager. The decision will need to be a professional judgement, taking into account the principle of proportionality, and the views and desired outcomes of the adult at risk.

A Case Conference Meeting will ordinarily be required where:

- a multi-agency perspective is required to review the findings of the Enquiry and contribute to the Safeguarding Plan.
- a Large-Scale Enquiry has been undertaken
- there are concerns about the safety of the service or organisational abuse
- formal actions may be required in relation to a 'Person in a Position of Trust' e.g., Referral to professional regulatory body or the Disclosure and Barring Service.
- the Enquiry findings are detailed or complex or indicate a significant difference of opinion about the outcome
- a Case Conference Meeting will assist the adult at risk/representatives to reach resolution and recovery from his/her experiences
- a serious crime has occurred.

Case Conference Discussion

A Case Conference Discussion will be led by the Safeguarding Adults Team Manager. The actions and decisions required within a Case Conference Discussion are the same as those required by a Case Conference Meeting.

Where a Case Conference Discussion is held, the Safeguarding Adults Team Manager will liaise with the Safeguarding Enquiry Officer and other relevant parties as required to reach a decision as to whether abuse has occurred. Such a decision, wherever possible, will take into account the views of the adult at risk and the person or organisation alleged to have caused harm.

Any decisions about safeguarding arrangements should be undertaken in consultation with the adult at risk and other relevant parties such as his/her representatives (e.g. advocates or family members). Where a person is without mental capacity in relation to decisions about his/her safety, plans will need to be agreed in his/her best interests.

The Safeguarding Adults Team Manager will be responsible for ensuring that Case Conference discussions are recorded by signing off the Case Conference report (within the Enquiry episode on the Local Authority's electronic recording system) and communicated with all relevant parties.

Case Conference Meeting

A Case Conference will be chaired by either the Safeguarding Adults Team Manager or Service Lead for Safeguarding Adults. Where possible, it is good practice to plan the provisional date and venue of the Case Conference Meeting at the time of the Strategy Discussion/Meeting, allowing attendee's sufficient notice to attend.

The Safeguarding Enquiry Officer and Safeguarding Adults Team Manager will need to determine who to invite to the Case Conference Meeting and how the views of any relevant people who are not to be invited will be represented.

The decision regarding who to involve in a Case Conference Meeting should be limited to those who need to know and who can contribute to the decision-making process. Attendance at the Case Conference should be agreed by the Safeguarding Adults Team Manager in advance. This may need to include a representative of any organisation that has a specific role in:

- undertaking enquiries into the allegation of abuse or neglect
- assessing the risk
- developing or carrying out the Safeguarding Plan, or
- taking action in relation to the person alleged to have caused harm

The person participating should be of sufficient seniority to make decisions concerning the organisation's role. The most appropriate representative from an organisation alleged to have caused harm needs to be invited to attend the Case Conference. This will depend on the nature and severity of the allegations.

Where the allegation/concern involves abuse occurring within a regulated or contracted service, the Safeguarding Enquiry Officer and Safeguarding Adults Team Manager should continue to consider involving, as appropriate:

- Care Quality Commission
- Local Authority Quality Team
- Contracts and Commissioning
- ICB

Any organisation requested to participate in a Case Conference Meeting should regard the request as a priority. If the invited person (or an appropriate representative) is unable to attend a Case Conference Meeting, they should provide information in writing as requested and make sure it is available for the Safeguarding Adults Team Manager in advance of the meeting.

Only people invited to attend the Case Conference Meeting should do so. Unexpected people may not be permitted to attend the meeting. Any person that would like to bring an additional person, a friend or family member or a colleague from his/her organisation for example should inform the Safeguarding Adults Team Manager in advance of the meeting.

Invitations should include the adult at risk. Where the adult at risk lacks the mental capacity to decide about attendance, a best interest decision will be required. Where a person has a 'substantial difficulty' or lacks mental capacity in relation to decisions, consideration should be given to the need for an advocate. If the adult at risk prefers, they may choose to not attend and have his/her views reported via a representative or in writing. When the adult at risk is present at the Case Conference Meeting it may be difficult for them to express his/her feelings/views. If the adult at risk requires support to express his/her views, the chair needs to identify how this can be done effectively.

There may be occasions where an adult does not feel that they have been harmed or abused and this should be noted and respected. Others may however take a view that abuse has taken place because of the nature and context of the allegation (e.g., that the person responsible is in a 'position of trust'). Factors such as this should be clearly recorded, and any Safeguarding Protection Plan should take account of these issues accordingly.

If the adult at risk is not present, the Case Conference Discussion/Meeting will need to agree who is the best person to provide feedback to them. This should take place as soon as possible and be in addition to any minutes received. The adult at risk should be supported to raise any issues they may have about the decisions taken and the Safeguarding Protection Plan that has been developed/proposed.

Involving the Person or Organisation alleged to have caused harm

It is important that the Safeguarding Adult's procedure is carried out with openness and transparency.

Unless there are exceptional circumstances, the person alleged to have caused harm should also be invited to the Case Conference Meeting. If the person alleged to have caused harm has chosen to attend, they are entitled to bring an appropriate person to support them. They may also choose not to attend and have his/her views reported via a representative or in writing.

In the event that the adult at risk and the person alleged to have caused harm both choose to attend; arrangements will need to be planned so as to enable both parties to participate as appropriate. If it is difficult for one or other party to be present at the same time as the other, it may be decided for the both of them to attend different parts of the meeting in turn. The decision as to how this can be best managed will need to be made on a case-by-case basis by the Safeguarding Adults Team Manager.

The view of the person(s) or organisations alleged to have caused harm should always be sought, noted and carefully considered by the Safeguarding Adults Team Manager in a Case Conference Discussion and by attendees at a Case Conference Meeting. If the person alleged to have caused harm is not present, his/her views should still be fully considered within the decision-making process.

A decision must be made at the Case Conference Discussion/Meeting about what feedback should be provided to the person alleged to have caused harm and who should provide it. If the person alleged to have caused harm does not have mental capacity (and is also an adult at risk), feedback will be given to his/her representative.

Information provided through the Safeguarding Enquiry Officer's report

Where a Case Conference Meeting is being held, the Safeguarding Enquiry Officer's draft report must be forwarded to the Safeguarding Adults Team Manager prior to the Case Conference Meeting. It is important that the Safeguarding Adults Team Manager receives the Safeguarding Enquiry Officer's draft report 5 working days prior to the Case Conference Meeting.

Case Conclusions

The primary focus of the Safeguarding Adult's procedure is to support people to safeguard themselves from abuse or neglect. It is necessary to establish whether, on the balance of probabilities, abuse has occurred in order to assess the extent of any ongoing risk. This assessment of risk will guide the development of any 'Safeguarding Protection Plan' that is needed to keep the person safe from future harm.

It should be concluded whether abuse has occurred for each type of abuse that has been considered during the Enquiry. Conclusions should only be reached in relation to concerns of abuse specifically covered within the course of the Enquiry and where the Enquiry has been sufficiently robust to reach a fair and defensible decision.

New or emerging issues that are beyond the scope of the Enquiry undertaken will need to be addressed in their own right. This may require another Enquiry or an appropriate alternative response/process.

Case Conclusion for each type of Abuse

A case conclusion for each type of alleged abuse is needed, for example physical or financial abuse. The decision will need to be made on the basis of the evidence obtained within the Enquiry.

The burden of proof should be consistent with the civil standard of proof which is “on the balance of probabilities”.

There are four possible outcomes to this decision:

- **Substantiated** - This refers to cases where “on the balance of probabilities” it was concluded that all the allegations made against the individual or organisation were verified.
- **Inconclusive** - This refers to cases where there is insufficient evidence to allow a conclusion to be reached.
- **Not substantiated** - This refers to cases where “on the balance of probabilities” the allegations are unfounded, unsupported or disproved.
- **Investigation ceased at individual’s request** - This refers to cases where the individual at risk does not wish for the Enquiry to proceed for whatever reason and so preclude a conclusion being reached. Enquires which proceed despite this, for example where a Local Authority has a duty of care to protect other residents in a care home setting or multiple individuals in supported housing, will not come under this definition.

Note: For each type of abuse there may be more than one incident or allegation. If just one incident or allegation amounting to abuse is found to have occurred, then that type of abuse has been substantiated (regardless of findings in relation to other incidents or allegations).

Overall Case Conclusion

It will also be necessary to record an overall case conclusion whether there was one type of abuse or more. The following guidance should be followed.

The burden of proof should be consistent with the civil standard of proof which is “on the balance of probabilities”. There are five possible outcomes to this decision:

- **Substantiated fully** - This refers to cases where “on the balance of probabilities” it was concluded that all the allegations made against the individual or organisation were verified “on the balance of probabilities”. Where allegations of multiple types of abuse are being considered against an individual or organisation then all will need to be proved for it to be defined as fully substantiated.
- **Substantiated – partially** - This refers to cases where there are allegations of multiple types of abuse being considered against an individual or organisation. Verification will be partial where “on the balance of probabilities” it was concluded that one or more, but not all, of the alleged types of abuse were proved. For example, where a concern includes allegations of physical abuse and neglect, if the physical abuse can be proved on the balance of probabilities, but there is not enough evidence to support the allegation of neglect, it will be partially substantiated.
- **Inconclusive** - This refers to cases where there is insufficient evidence to allow a conclusion to be reached. This will include cases where, for example, the adult at risk, the individual believed to be the source of the risk or a key witness passed away before they could provide statements as part of the assessment or investigation.

- **Not substantiated** - This refers to cases where “on the balance of probabilities” the allegations are unfounded, unsupported or disproved.
- **Investigation ceased at individual’s request** - This refers to cases where the individual at risk does not wish for the Enquiry to proceed for whatever reason and so preclude a conclusion being reached. Enquiries which proceed despite this, for example where a Local Authority has a duty of care to protect other residents in a care home setting or multiple individuals in supported housing, will not come under this definition.

Case Conference Decision Making

It is the role of the Safeguarding Adults Team Manager to facilitate the collective decision-making process as to the case conclusion. This decision is a multi-agency/multi-disciplinary responsibility that must be made and owned by those professionals who contribute and/or attend. Parties involved in the collective decision-making process must have no vested interest in the decision and must outline clear, evidence-based reasons for their views that are recorded in the minutes. Decision making must take into account the views of all relevant parties, including the adult at risk and the person or organisation alleged to have caused harm.

The Safeguarding Adults Team Manager must always seek, through discussion, a consensus view as to the occurrence of abuse. However, in circumstances where a consensus cannot be achieved, or it is inconsistent with the evidence, the chair may, where appropriate, propose a decision on behalf of those attending the meeting. Any person disagreeing with the proposed decision would have his/her disagreement recorded in the minutes.

The findings in the draft Enquiry report are provisional and following the Case Conference a final version of the report should be produced reflecting the evidence and decisions agreed in the Case Conference. This final report can be shared with the person at risk or their agreed advocate should they request a copy, unless it would be detrimental to the adult at risk for them to do so. The final report can only be shared with the individual when deemed safe to do so by the Safeguarding Adults Team Manager and all cases must be looked at individually.

Where a commissioned provider is the person alleged to have caused harm, the final report should also be shared with the provider following the incorporation of final Case Conference decisions.

Assessment of Risk and Safeguarding Protection Plan

Assessments of risk will need to be reviewed in light of the decision as to whether abuse has occurred and, if so, its type. The findings of the Enquiry may impact on the assessed risk to the adult at risk or other people. There may also be changes in the circumstances of the adult at risk (or that of the person alleged to have caused harm) that impact on the risk.

The Safeguarding Protection Plan is the risk management plan that is put in place to remove or reduce the risk of harm. The Safeguarding Protection Plan should serve to safeguard the adult’s safety and wellbeing. Any changes in the assessment of risk will need to be reflected in the Safeguarding Protection Plan.

The Safeguarding Adults Team Manager will need to ensure that agreed Safeguarding Protection Plans are implemented and it should be agreed how completed actions are fed back and evidenced to the

Safeguarding Adults Team Manager. Any party that is unable to complete an agreed action should notify the Safeguarding Adults Team Manager at the earliest opportunity.

It is important to consider other actions that do not directly relate to the adult at risk, such as a person in a position of trust and persons causing harm who are also adults at risk.

Feedback to the Person raising a Safeguarding Concern

Consideration should again be given to the appropriateness of providing feedback to the person raising a Safeguarding Concern, taking into account the nature of the relationship, confidentiality, data protection issues and the wishes of the adult at risk concerned.

Decision to hold a Review Meeting

Where a Case Conference results in outstanding actions or recommendations to achieve the required outcomes, a further Review Meeting will likely be required to follow up and ensure the Safeguarding Plan has been implemented and is working effectively.

The Safeguarding Protection Plan may alternatively continue to be reviewed as part of ongoing care / case management.

8.5. Case Conference Review

Purpose of the Review

Where a Case Conference Meeting is held, any subsequent Review meeting will be chaired by either the Safeguarding Adults Team Manager, or Service Lead for Safeguarding Adults. The purpose of the Review is to ensure that the actions agreed in the Safeguarding Protection Plan have been implemented, the risk is being managed and to decide whether further actions are required. In some circumstances, more than one review meeting will be required within the Safeguarding procedure.

Target timescale:

The Case Conference Review should take place within 3 months of the initial Case Conference, depending upon the level of risk identified and as decided at Case Conference.

Who should attend?

The Safeguarding Adults Team Manager will need to determine the appropriate invitees for the Case Conference Review. This may need to include an appropriate representative of any organisation that has a specific role in:

- assessing risk
- developing or carrying out the Safeguarding Protection Plan

Invitations should include the adult at risk. Where the adult at risk lacks the mental capacity to decide about attendance, a decision will be required in his/her 'best interests' as to whether they should be invited and should attend. The adult at risk may choose to be supported by an appropriate person(s), such as a family member, friend, or this may be decided in his/her 'best interests' where they lack the mental capacity to decide for themselves. Where the adult has a 'substantial difficulty' or lacks mental capacity in relation to decision making, consideration should be given to the need for an advocate.

The adult at risk may also choose not to attend and have his/her views reported by a representative or in writing. Where an IMCA has been appointed, they will be invited to attend.

Actions required during the Case Conference Review

The Review will:

- work towards the wishes, needs and desired outcomes of the adult at risk
- record the feedback of the adult at risk or his/her personal representative about the Safeguarding Protection Plan and/or other matters of importance to them
- re-evaluate the risk of harm
- ensure all required actions have been progressed or completed
- decide in consultation with the adult at risk and/or his/her personal representative what changes, if any, need to be made to the Safeguarding Protection Plan to decrease the risk or to make the plan fit more closely with his/her wishes
- make decisions about what changes/additions are needed to the care plan
- decide whether to exit the safeguarding adults procedure
- decide whether there is need for a further review and, if so, set a date

Agreeing actions with the adult at risk

It is vital that the adult at risk be in control of decisions as to the how risks they face in his/her life are managed. The adult at risk should experience the safeguarding process as empowering and supportive. The response taken should reflect the nature and seriousness of the risk, and wherever possible and appropriate, support the person to achieve his/her desired outcomes. This may include actions the adult at risk is taking, as well as the actions of the Local Authority and other organisations.

8.6. Safeguarding Adults Enquiry Closure

Duty to make Enquiries fulfilled

The Safeguarding procedure can be ended at any point where it is appropriate to do so.

The purpose of the Safeguarding Adults' procedure is to safeguard people from abuse and neglect. Where actions are no longer needed within this procedure, it should be discontinued. The duty to make Enquiries will be fulfilled where:

- No further enquiries are needed to establish whether any action should be taken
- No further Safeguarding actions are required to keep the adult at risk or others with care and support needs, safe from abuse and / or neglect.

An Enquiry may commence but be discontinued because, for example, the adult at risk has decided that they no longer want this intervention for themselves, and there are no other persons at risk.

The person's desired outcomes should be considered throughout the Safeguarding procedure and where possible, the persons desired outcomes will be met. However, these desired outcomes may not always be realistic or achievable, and there may be occasions where the duty to make Enquiries is fulfilled without these being met.

Although the Safeguarding procedure is no longer being continued, there may continue to be plans and actions to be reviewed as part of the ongoing review, care / case management processes.

Safeguarding Adult Enquiry Closure Actions

The following actions should be carried out before exiting the Safeguarding Adults' procedure:

- all records are completed
- the adult at risk knows that the process is concluded and where/who to contact if they have any future concerns about abuse
- where an Enquiry has been undertaken, the person alleged to have caused harm knows the process is concluded and is aware of any decisions relating to themselves
- all those involved with the person know how to raise a Concern if there are further or additional concerns
- all relevant partner organisations are informed about the ending of the multi-agency Safeguarding Adults procedure.

9. Safeguarding Adults Board

S.43 of the Care Act (2014) requires a Local Authority to establish a Safeguarding Adults Board (SAB). The role of the SAB is to work collaboratively as a Multi-Agency Partnership to oversee and seek assurance of the local safeguarding arrangements. Statutory partners consist of the Local Authority, Police & the Integrated Care Board.

The SAB has 3 statutory duties under the Care Act (2014):

- Produce a strategic plan setting out the changes the Board wants to achieve and how organisations will work together
- Publish an annual report setting out the safeguarding concerns it has dealt with in the last year as well as plans to help keep people safe
- Undertake a Safeguarding Adult Review (SAR) where it believes someone with needs for care and support has died or experienced serious harm as a result of abuse or neglect

9.1. Blackburn with Darwen Safeguarding Adults Board (SAB)

Vision:

“Our vision is for Blackburn with Darwen to be a place where safeguarding adults is everyone’s business and where people are supported in their right to live safe, independent and healthy lives.”

Strategic Aims:

- Providing Leadership in Safeguarding
- Prevention and Early Intervention
- Listening, Learning, Acting and Embedding
- Delivering Safeguarding Excellence
- Information is effectively shared within the Safeguarding Partnership
- The public feel confident that people are protected.

Blackburn with Darwen Safeguarding Adults Board amends safeguarding policy to make it clear that when professionals become aware that systems are not working for a vulnerable adult and their circumstances are not improving, professionals should escalate the matter to management. Please also refer to ‘Resolving Professional Differences – Escalation Policy for Safeguarding Adults.’

10. Safeguarding Adult Review (SAR)

10.1. What is a Safeguarding Adult Review

[Section 44 of the Care Act 2014](#) requires the Safeguarding Adult Board (SAB) to arrange a Safeguarding Adult Review (SAR) when an adult in its area:

- Dies as a result of abuse or neglect, or
- Has experienced serious abuse and / or neglect, whether known or suspected, and
- There is concern that partner agencies could have worked more effectively to protect the adult.

Where practice gives rise to concerns about how agencies have worked together when the death or serious injury of an adult at risk has occurred, the Blackburn with Darwen Safeguarding Adults Board will consider requests to conduct a Safeguarding Adults Review.

10.2. Purpose of SAR

The purpose of having a Safeguarding Adults Review is neither to investigate nor to apportion blame.

The objectives include:

- preparing or commissioning an overview which brings together and analyses the findings of the various agencies in order to make recommendations for future action
- establishing whether there are lessons to be learnt from the circumstances of the case about the way in which local professionals and agencies work together to safeguard adults at risk
- reviewing the effectiveness of both multi-agency and individual agency procedures
- informing and improving local inter-agency practice

- improving practice by acting on learning and developing best practice

Completion of a SAR referral should be made at the earliest point that it is recognised that the above criteria has been met.

If you think that a case meets the criteria for a SAR at any stage during the safeguarding process, please refer to Blackburn with Darwen Safeguarding Adults Board via email:

safeguardingpartnerships@blackburn.gov.uk

11. Further Procedures to Consider

11.1. Record Keeping and Confidentiality

Organisations should refer to their own internal policies and procedures for additional guidance on recording and storage of records. The following considerations should be given with regards to recording:

- Detailed factual records must be kept. This includes a record of all decisions taken relating to the process.
- Records may be disclosed in court as part of the evidence in a criminal action/case or may be required if the regulatory authority (CQC) decides to take legal action against a provider.
- Records kept by providers of services should be available to service commissioners and to regulatory authorities.
- Agencies should identify arrangements, consistent with legal requirements and the principle of fairness, for making records available to those affected by, and subject to enquiries, with due regard to confidentiality
- Where the person alleged to have caused harm is also another service user, information about that person's involvement in a Safeguarding Adults Enquiry, including the conclusion and outcome of the enquiry, should be included in his/her records.

11.2. Recording on Blackburn with Darwen Borough Council's Electronic Database

All Safeguarding activity should be recorded in case notes and within the Safeguarding episode on Blackburn with Darwen Borough Council's Adult Social Care electronic database. This includes recording the rationale for decisions made at the Information Gathering stage right through to Enquiry and Case Conference. The Safeguarding Adults Team Manager will need to ensure that the Safeguarding Enquiry Officer has completed and uploaded all relevant safeguarding documentation to the electronic database.

11.3. Safeguarding Meeting Minutes

Minutes are needed to record the discussions and decisions at Strategy, Case Conference, and Case Conference Review Meetings and evidence how decisions were reached. Minutes will ordinarily be distributed to:

- all attendees and invitees to the meeting
- all those contributing to the Safeguarding Protection Plan
- the Care Quality Commission where the meeting relates to a service that it regulates
- all other relevant regulatory bodies, as appropriate

A copy of the minutes should be sent to the adult at risk or, with his/her permission, to another person unless it would increase the level of risk. If the adult at risk does not have mental capacity, a decision should be made in his/her best interests about who to send the minutes to.

Where minutes are sent to a carer (with permission of the adult at risk or in his/her best interests) the Safeguarding Adults Team Manager will need to decide what information can be shared about the person alleged to have caused harm.

Where there is information that cannot be shared, it should be redacted from versions of documents sent out. Data Protection Act 2018 principles must be adhered to. For example, where a person was requested to leave the room during part of a Safeguarding meeting, the Safeguarding Adults Team Manager will need to consider whether the section of the minutes relating to that part of the meeting should be redacted from the copy sent to the person concerned.

Target timescale:

Safeguarding Meeting Minutes should be distributed within 10 working of the meeting being held.

Immediately after any Safeguarding meeting, the Safeguarding Adults Team Manager should distribute a summary of actions agreed to be taken, by whom and by when.

12. Information Processing

Blackburn with Darwen Safeguarding Adults Board Multi Agency Safeguarding Procedures are underpinned by legal requirements regarding the processing of personal information.

There is a distinct difference between engaging with an individual and empowering them to engage in the Safeguarding process and the definition of 'consent' as set out in GDPR. The Local Authority are required to carry out processing of data in line with our statutory duties as set out in The Care Act 2014.

The legal basis for processing and or sharing personal information as described within Blackburn with Darwen Borough Council's Safeguarding Adults Board Multi Agency Procedures is as follows:

- Article 6 of the GDPR which allows for the processing of individual data in line with the public task requirements under The Care Act (2014). This includes requirements contained within the Act relating to the Safeguarding of Adults. Article 6(1)(d) processing is necessary in order to protect the vital interests of the data subject or of another natural person – Article 6(1)(e) – Processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller.
- Article 9 of the GDPR allows for the processing of special data for the provision of health and social care. Article 9 (2) (c) processing is necessary to protect the vital interests of the

data subject or of another natural person where the data subject is physically or legally incapable of giving consent.

Further information on individual rights regarding processing of individual data can be found at: <https://ico.org.uk/>

13. Escalation Policy

NOTE: If an adult is thought to be at imminent risk of harm, the matter should be referred immediately to the Police/Social Care to decide what action to take to safeguard/protect them whilst the dispute is being resolved.

13.1. Resolving Differences of Opinion / Stages of Resolution

Stage One: Discussion between workers

The people who disagree should have a discussion to try to resolve the problem. This discussion must take place as soon as possible and could be a telephone conversation or a face-to-face meeting. It should be recognised that differences in status and /or experience may affect the confidence of some workers to pursue this unsupported.

Stage Two: Discussion between Line Managers

If the problem is not resolved and concerns remain, the worker should contact their supervisor / line manager / safeguarding lead within their own agency to consider the issue raised, what outcome they would like to achieve and how differences can be addressed. The line manager should contact their respective counterpart to try to negotiate an agreed way forward. This could involve a professionals meeting if deemed appropriate.

Stage Three: Discussion between Operational/Senior Managers

If the issue is not resolved at stage two, the supervisor/ line manager reports to their manager or named/ lead safeguarding representative. These two senior managers of both individuals/organisations must liaise and attempt to resolve the professional differences through discussion.

If there remains disagreement, escalation continues through the appropriate tiers of management in each organisation until the matter is resolved.

Stage Four: Resolution by Blackburn with Darwen, Blackpool and Lancashire Adult Boards

If there is no resolution, and having exhausted all other routes, the matter should be escalated to the Chair of the relevant Safeguarding Adult Board (SAB). The escalation to the SAB should be made via the Head of Service (for each individual/agency) to the Head of Service for the Safeguarding Adult Board via email to safeguardingpartnerships@blackburn.gov.uk. They will then liaise with the Chair of the Safeguarding Adult Board.

The Chair will convene a Resolution Panel, membership will consist of a senior officer from the three agencies, LA, Police and ICB. The Panel will receive representations from those involved in the dispute and will collectively resolve the professional differences concerned.

Additional Note:

At each stage professionals must ensure that appropriate records are made in the adult at risk's case records. This should include the concern, action taken to resolve, agreed actions from resolution process, timescales, and the outcome. This should be clear, evidenced, and factual.