

Raising a Safeguarding Concern

10

10.1 Introduction

The procedures are a framework. Adult safeguarding is a dynamic process that must be undertaken with people and not to people. The following key themes run throughout the adult safeguarding process:

- User Outcomes
- Risk Assessment and Management
- Mental Capacity
- Safeguarding Planning
- Information Sharing
- Recording
- Feedback

Are you concerned that an adult is at risk of or is experiencing abuse or neglect?
What types of abuse or neglect are concerned about?
Have you had a conversation with the adult about the concerns?
Have you sought the views and wishes of the adult?*

Are there any immediate risks to the adult or to others including children?
Have you discussed and agreed next steps with the adult?*

Have you provided advice, information or signposted the adult?

(a) Does the adult have needs for the care and support (whether or not the authority is meeting any of those needs) and b) is the adult experiencing, or at risk of, abuse or neglect? Section 42 (1) (a) & (b) Care Act 2014

Yes

If you have reasonable cause to suspect that the adult meets the criteria (a) and (b) have you discussed with the adult about raising a safeguarding concern? Does the adult wish to raise their own concerns? Do they need support to do this?

YES - Raise a safeguarding concern

Does the adult want a safeguarding concern to be raised?

No

However raising a concern maybe justified e.g. where there is a vital risk to the person or others, where there is a public interest consideration or issue, or where a best interest decision needs to be made (where the adult lacks capacity to make the decision). Then proceed with raising a safeguarding concern. Record rationale for decision making.

Unsure

Who else can you talk to within your organisation? Can you seek advice from others outside of your organisation or consider seeking advice from the local authority? If the outcomes of these discussions give you reasonable cause to suspect s42 (1) (a) & (b) – raise a safeguarding concern to the local authority.

If you have enough reasonable cause to suspect (b) but you are still unsure about (a), raise an adult safeguarding concern. The local authority information gathering responses, under s42 (1) will help make a decision.

YES - Raise a safeguarding concern

There may be circumstances where the safety of the adult or yourself prevent this from happening. If you still have concerns about abuse or neglect and it is not possible or within the scope of your role to have a conversation with the adult, then if in doubt continue with the process and raise a safeguarding concern.

No

If the concerns are not (a) and (b) what further support, advice, information or signposting can you offer the adult

10.2 What is a Safeguarding Concern?

Section 42 (1) (a) & (b)

a) Does the adult have needs for the care and support (whether or not the authority is meeting any of those needs)

And

b) Is the adult experiencing, or at risk of, abuse of neglect?

If the answer is yes to both questions steps must be taken to respond and report the concern.

This means that only reasonable cause to suspect that S42 (1) (a) and (b) apply in deciding whether to refer a safeguarding concern to the local authority.

10.3 Speak to the Adult

From the very first stages of concerns being identified, the views of the adult should be gained.

This will enable the person to give their perspectives about the potential abuse or neglect concerns that have been raised, and what outcomes they would like to achieve. **These views should directly inform what happens next.**

Any situations where speaking to the adult increases the potential for endangering safety or increasing risk should be assessed carefully and advice taken from your management, or from an external agency as appropriate. This could be, for example, due to:-

- retaliation
- risk of fleeing or removal of the adult from the local area
- an increase in threatening or controlling behaviour

10.4 Taking Immediate Action

Immediate actions may be required to safeguard the adult:-

- When the Adult requests this or when they cannot safeguard themselves.
- If there is immediate danger or someone needs urgent medical attention: call the police (999) or an ambulance and then inform Tameside Adult Social Care
- If you think a criminal offence has been committed support the individual to inform the police
- If you think a child may also be affected or at risk contact Children's Services
- If possible, take action to make sure that other individuals (adults or children) are not at risk
- Take steps to preserve any physical evidence if a crime may have been committed, and preserve evidence through recording.

10.5 Making a Written record

It is vital a written record of any incident or allegation of crime is made as soon as possible. The record should be as accurate as possible, including what was said and done by the people involved in the incident or concern.

10.6 Informing a Manager/Safeguarding Lead

- Inform a manager or supervisor immediately.
- If your manager is not available you **MUST** report the concern yourself.
- If you are concerned that a member of staff has abused an adult, you have a duty to report these concerns. You must inform your line manager or supervisor.
- If you are concerned that your line manager has abused an adult, you must inform a senior manager in your organisation, or another designated manager for Safeguarding Adults.

10.7 Contact Adult Social Care

Anyone who has a concern that an adult is at risk of harm can contact **Adult Social Care or the Emergency Duty Team**

The concern can come to light in various ways, for example:

- A disclosure of abuse by the adult;
- a concern raised by staff or volunteers, others using the service, a carer or a member of the public
- a complaint or concern raised by an adult or a third party who doesn't perceive that it is abuse or neglect

10.8 Factors to consider when raising a concern

Safeguarding Principles:-

- **Accountability**
 - o Adult safeguarding concerns should be reported to Tameside Adult Social Care without delay.
- **Protection**
 - o Speak to the Adult in a private and safe place and informing them of any concerns
 - o How vulnerable is the adult? What personal, environmental and social factors contribute to this?
 - o What is the nature and extent of the abuse?
 - o How long has it been happening? Is it a one-off incident or a pattern of repeated actions?
 - o What impact is this having on the individual? What physical and/or psychological harm is being caused? What are the immediate and likely longer-term effects of the abuse on their independence and well-being?
 - o What impact is the abuse having on others?

- o What is the risk of repeated or increasingly serious acts involving the person causing the harm?
- **Empowerment**
 - o Obtain their views on what has happened and what they want done about it
 - o Give the Adult information about the Safeguarding Adults process and how that could help to make them safer
 - o Support the Adult to ask questions about issues of confidentiality
 - o Explaining how they will be kept informed
 - o Is there any doubt about the mental capacity of an adult to make decisions about their own safety? (Capacity can be undermined by the experience of abuse and where the person is being exploited, coerced, groomed or subjected to undue influence or duress.)
- **Partnership**
 - o Some referrers in a professional capacity may be asked by Adult Care to complete an Information Gathering Form and send it to Tameside Adult Social Care.
 - o Information sharing across agency is essential in matters regarding Safeguarding Adults.
- **Proportionality**
 - o Is the abuse a real or potential crime?
 - o The matter should be reported to the police where a crime is committed or suspected.
- **Prevention**
 - o To report concerns to Children's Services if a child is identified as being at risk of harm.
 - o Are there immediate measures that can be taken to prevent the risk of harm and promote safety?

10.9 Mental Capacity and Consent

At the concerns stage the most common questions regarding capacity and consent are likely to be:

- Does the adult have the mental capacity to understand and make decisions about Abuse or Neglect related risks and any immediate safety actions required?
- Does the adult consent to the immediate safety actions being taken and do they consent to their information being referred to the Local Authority following the Safeguarding Adult procedures.

If it is assessed that the adult may lack capacity to understand and make decision regarding the Safeguarding Adult issue, it should be explained as much as possible to them and their views and wishes gained as much possible.

If the adult lacks capacity to make informed decisions about maintaining their safety and they do not want any action to be taken, professionals have a duty to act in their best interests under the Mental Capacity Act 2005 therefore the manager or enquiry officer with safeguarding responsibilities must make a decision in their best interests.

If a person has capacity to make decisions their consent to report a Safeguarding Concerns and engage in the Safeguarding plan should be obtained. If the person does not give consent information and advice should be given to the person how to keep safe and/or how to access support in the future.

There are occasions when Safeguarding concerns can be recorded and shared with safeguarding partners without consent, including when:

- The person lacks capacity to make that decision
- Other adults or children may be at risk
- The alleged abuser may have care and support needs and may also be at risk
- A serious crime has been committed
- To prevent a crime
- The allegation is against staff or a person in position of trust
- There is an incredibly high risk to the adult

If the Safeguarding Lead in the organisation or manager is unsure about whether to progress and concern without consent contact ASC to discuss.