

Safeguarding Adults at Risk Procedure

This document is part of Salutem's Safeguarding Adults at Risk Policy. Please refer to the main policy document for the principles, associated materials and version control.

Introduction

This procedure outlines Salutem's process for reporting, investigating and handling incidences of abuse.

It is mandatory that you understand and have a record of your local area safeguarding referral procedures.

This procedure outlines the following four steps:

- Step 1: Acting on a Concern (All Staff and Volunteers)
- Step 2: Reporting a concern (Service Managers)
- Step 3: The Local Authority Response
- Step 4: Case Closure

Step 1: Acting on a Concern (All Staff and Volunteers)

All staff (paid and volunteers) **have a duty** to act immediately (or on the same working day) and raise concerns to their line manager. A safeguarding concern can be about an individual or a group and the concern itself can be that the individual or group:

- **Is being** abused or neglected; **or**
- **Has been** abused or neglected; **or**
- Is **at risk** of being abused or neglected.

The safeguarding concern can be as a result of:

- What you have **witnessed**
- What you **suspect** (as long as there are reasonable grounds to believe that abuse could be happening)
- What an adult at risk, or a third party (e.g. staff member, member of the public, another external professional) has told you.
- The person who has or may have caused harm to an adult could be any of the following (this is not exhaustive):
 - A paid staff member, at any level of the Organisation
 - A volunteer
 - Another adult or child
 - A member of the public
 - A relative
 - Another professional / external Organisation

Acting in an emergency / taking immediate action

The first priority is making sure that the adult(s) is safe. In a situation where there is immediate risk of harm or need for treatment, all staff must be authorised to call the police and/or ambulance service without seeking permission by a line manager, if not doing so would cause unnecessary delay in safeguarding the adult's health and wellbeing.

Failing to act immediately in such cases may later be construed as negligent or failing in duty of care.

The manager must investigate the incident to find out what has happened.

- The concerns of the **alleged victim** must be listened to, taken seriously and recorded.
- The views of the **alleged perpetrator(s)** must be listened to, taken seriously and recorded.
- Reports from **any witnesses** must be listened to, taken seriously and recorded.
- Reports may also be taken from **other relevant individuals**, such as family, friends or other professionals.

It is very important that we establish a clear means of communication with each person so that they can share how they are feeling. This will include whether they would like to make a complaint and whether they may be the subject of bullying behaviours.

Preserving evidence

In cases where a serious sexual assault or physical assault may have taken place, evidence at the scene will need to be preserved. (See separate guidance on '[Preserving and Protecting Evidence.](#)')

Responding to an adult that is directly disclosing abuse

Do not make promises about keeping information shared secret. It will need explaining to the adult at risk that you have a duty of care to raise concerns with your manager. (See separate guidance on '[How to Respond to a Disclosure.](#)')

When abuse is witnessed

Take care when intervening to stop abuse; you are not required to take certain actions that if by doing so you are placing yourself or the adult at further risk of harm. When the abuse has stopped follow the above steps **'acting in an emergency / taking immediate action'** and **'preserving evidence'**.

Do not approach or question the person who has allegedly harmed the adult(s).

What are the desired outcomes / wishes of the adult(s) at risk?

When abuse has been witnessed or an adult directly discloses to you, whenever possible find out what the adult at risk wants to happen, and what support they want to stop the abuse and how to keep themselves safe. (See separate guidance on [Making Safeguarding Personal](#))

When you suspect abuse?

If you suspect abuse, there must be grounds for and substance to this. Think about the reasons why you suspect abuse; is this because of something you have seen, something you have been told? Are there a series of signs and indicators that you are concerned about? (See separate guidance on ['Signs and Indicators of Abuse'](#).)

Raising concerns with your line manager and record keeping

Report your concerns immediately; **do not** share or discuss your concerns with anyone else. Write a record of your concern as soon as possible after the incident / disclosure and provide to your line manager. Written records must be written on Saludem headed paper and be as detailed as possible, including what you saw, what you heard, and who was present. (See separate guidance on ['Writing a Record and Record Keeping.'](#))

Whistleblowing

Whistleblowing is when you raise concerns about unsafe or illegal practice, which can include concerns about abuse and neglect. Your line manager should be your first port of call but if you feel unable to share information with them because you believe they are implicated or involved then you need to be able to speak to someone else instead. You should be able to raise your concern with your manager's line manager. Or you can follow Saludem's Whistleblowing Procedure, which will guide you on what steps to take and, in accordance with the Public Disclosure Act 1998, provide some protection from victimization if you have raised concerns about malpractice, in good faith.

If you have grounds to believe that managers in Saludem are ignoring your concerns and not taking appropriate action then you have the right to go directly to your Local Authority and/or regulator. Your manager must make sure that these numbers are available to you and displayed somewhere you can access them.

Confidentiality

You must respect and adhere to confidentiality at all times during a safeguarding process. Your line manager will provide feedback to you on what actions are being taken to respond to the concern, but this information must be treated confidentially. Any discussion with other team members will be dealt with as a disciplinary offence.

If, however the adult at risk chooses to discuss their concern further with you do not stop them, but do not probe or ask questions; write a record of what the adult at risk told you and tell your line manager immediately after.

Step 2: Reporting a concern (Service Managers)

Information gathering

It may be necessary to gather more information before deciding if there is reasonable cause to believe that abuse may have occurred. This could include checking rotas, daily records, and on occasion may require some very broad discussion with staff or adults. (See separate guidance on '[What is Information Gathering](#)'). Ensure the staff member who raised the concern has written a formal record, and that body maps for bruising have been filled in. (see appendix 4 for body maps)

Low Risk Reporting (Single Agency Response)

If the concern has been assessed as low risk and will therefore be handled within the service, this must be recorded as a safeguarding incident on c360 by the next working day.

Medium to High Risk Reporting (Multi-agency Response)

When you are certain (or in any doubt) that there is an allegation of abuse and you had assessed it as medium to high risk, you must report it to your Local Authority social work services no later than the next working day. In order to do this, complete the [Safeguarding Incident Form on c360](#). Once submitted this will alert your Regional Director as well as your Quality Manager. You will then need to follow your local area reporting procedures ensuring that the correct information is submitted in the right way. Much of the content that they require would already be available having already completed the c360 safeguarding incident form.

At this point the incident will become an open safeguarding case within Salutem and will be monitored by the Operational Senior Management Team. They will support you with the Local Authority decisions, subsequent investigations if required and any actions that your service, staff or the Salutem Group will take as a result. There may also be an internal investigation depending on Local Authority recommendations.

When to report the concern to the police

When a serious crime or robbery has just taken place then there is a duty to call the Police via 999, as an emergency situation.

With non-emergency situations, where a safeguarding concern involves a possible crime, the number 101 should be used to contact the police. When an allegation of abuse is also a criminal act then the wishes and consent of the adult must be respected however this will be overridden when

- the person alleged to have caused harm is a Salutem employee or volunteer.
- a serious physical assault or sexual assault has been committed
- we have reasonable cause to believe other vulnerable adults and children are at risk

If the situation is no longer an emergency and the concern we are reporting to the Local Authority is about another organisation / external professional the Local Authority will advise who is best placed to contact the Police.

The wishes and desired outcomes of the adult / gaining consent

When an adult has capacity to make decisions about support following a safeguarding concern, then, unless by doing so it would cause further distress to that person, it is imperative that we try to establish with them what are their desired outcomes and wishes in respect of the safeguarding concern, what do they want to happen, and what support do they want to stop the abuse and how to keep themselves safe. This includes gaining consent from the adult in reporting this to the Local Authority. ([Making Safeguarding Personal](#)).

Reporting a safeguarding concern without consent of the adult

If an adult refuses consent to report the concern to the Local Authority this must be respected however there are times when this has to be overridden:

- When the concern is about the actions of a staff member; this means other adults could be at risk
- When a serious crime has been committed
- When the allegation is about serious physical abuse or sexual abuse
- When we know other vulnerable adults and children could be at risk of harm from the person who is alleged to have caused harm.

Reporting a safeguarding concern for an adult that lacks capacity to consent / would have difficulty contributing to the safeguarding process

We have the duty of care to act in the best interests of any adult that lacks capacity to consent to a safeguarding concern being reported. Where we have reasonable cause to believe that the adult is being or is at risk of abuse then we must report this to the Local Authority in accordance with LA Multi-Agency Safeguarding Adults Procedures.

2.3.7. The Local Authority will need to be made aware if the adult lacks capacity or will have 'substantial difficulty' in being involved in the process, and they have no one other than those acting in a professional capacity to support them, so they can consider if there is a 'particular benefit' to providing them with an independent advocate.

Managing allegations against staff, considering suspension or redeployment

In accordance with Salutem's Disciplinary Procedure and Suspension Procedure, all safeguarding concerns in which a Salutem employee is alleged to have caused harm must be referred to and discussed with a Human Resources Manager or Consultant. A decision must be made as to whether suspension without prejudice is required in order to safeguard the adult at risk and other adults from risk of harm. It may be appropriate to redeploy an employee if this measure eliminates risk.

At the point of suspension the employee can be informed in broad terms and what the nature of the concern is, but not specific details. This is particularly important if the allegations are a possible crime, which may lead to a full police investigation. (See separate guidance on the '[Assessment of the Need for Suspension](#)', and Salutem's Disciplinary Procedure and Suspension Procedure for guidelines on how to support staff)

Notifications to regulators

Any allegation of abuse that occurs in an adult and domiciliary regulated care setting must be notified in England to CQC in accordance with Regulation 18 of the Care Quality Commission (Registration) Regulations 2009. The CQC notification can be completed on C360.

In Wales Regulation 33(1) the Children's Homes (Wales) Regulation 2002 and Schedule 6 'Matters to be monitored and reviewed by the Registered Person, need to be reported to CIW.'

Who else needs to be notified?

- **The placing authority**, if different to the host authority will also need to be notified of the concern, and of the actions that have been taken.
- The relevant **Clinical Commissioning Group** will need to be notified if Health funds the adult at risk's placement.
- **Deputies under Court of Protection / Person with lasting power of attorney**- Where a person is identified as a Deputy for Health and Welfare under Court of Protection, or having lasting power of attorney for Health and Welfare (or Finances in cases of alleged financial abuse) in accordance with Mental Capacity Act then this person must be informed of the concern. The LA will then ensure that this person is consulted and involved in the process, on behalf of the adult.
- **The adult at risk's circle of support / informal network**- The adult may express a wish for people important to them, e.g. friends, relatives, other key professionals, to be notified of the concern. This wish should be respected and support given where appropriate. If an adult does not have capacity to consent or be involved in the process then a best interest decision needs to be made on who else should be notified of the concern.

When a concern is a whole-service concern (an allegation of organisational abuse)

Before a whole-service concern is reported to the Local Authority all relevant Senior and Executive Managers need to be made fully aware of the concern and that there is a need to report externally to the relevant Local Authority.

Providing support and keeping the adult central to the process

In the event that an adult has or has not consented to the concern being reported with the Local Authority, it is important that, unless by doing so causes distress, it is explained to the adult what actions have been taken so far. The adult should be advised who they can approach if they have a question or need some form of support.

Step 3: The Local Authority Response (for Service Managers)

There is likely to be four possible responses from the Local Authority once a referral has been made:

'No Action'

Once the Local Authority have undertaken their initial inquiries the Local Authority will feedback how they are going to respond to the concerns. If it is confirmed that there is no further action, then at this point, the referral can be closed. However, an internal investigation may still take place if internal management feel that there is a justified need.

'Issue resolved during initial enquiries'

This refers to those circumstances where there is or has been an issue of abuse or neglect, however no further inquiries are needed to respond to the concerns and no further safeguarding actions are required to safeguard the individual or others. At this stage the Local Authority has satisfied itself that all the necessary safeguards have been or are being put in place

'Risk Management Response'

The Local Authority may decide during its initial enquiries that a risk management response is required. A risk management response is when there is no need for a formal inquiry into the safeguarding concern, but where there are actions needed to safeguard an adult or adults from abuse or neglect. A risk management response 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 or neglect.

There is no prescribed list of these actions, they may include:

- Assessment of care and support
- Carers assessment
- Unscheduled review of care and support
- Review of support plan
- Mediation
- Multi-agency risk assessment
- Multi-agency behaviour management plan
- Contracts Enforcement Actions
- Regulatory Action
- Service Quality Assurance actions and processes

The Local Authority will advise on what actions are required and the Service Management are responsible for ensuring that this are updated on c360 and are executed.

The actions required should reflect the desired outcomes of the adult at risk and be proportionate to the assessed risk to the individual and/or others. The approach taken must respond to the individual needs and circumstances of the adult at risk, alongside any service wide actions.

The Local Authority must be kept informed of progress, and along with key people in Saludem. The Local Authority may wish to convene a review / series of reviews to establish whether appropriate actions have been taken, and that these continue to safeguard the person and any other people that could be at risk.

Once the Local Authority has satisfied itself that all the necessary safeguards have been or are being put in place, and that there is no further risk of harm, and that the adult's wishes and desired outcomes have been addressed the Local Authority will close the case. Service Management are responsible for ensuring that this outcome is recorded on the adult's confidential file, with the detail of when, and who, including their professional title, has advised this. Wherever possible, this confirmation should be

obtained in writing.

The adult should be consulted to make sure they are fully aware of this outcome and that they are satisfied with this, or if there are any outstanding wishes or desired outcomes to be met

If the Local Authority are **not** satisfied that there is no longer risk of harm and choose not to close the case, then it is possible that the case will move to [Section 42 Formal Enquiries](#) (see below)

When a LA does not have a risk management response to safeguarding?

Some Local Authority procedures may not include a risk management response as part of their safeguarding adults procedure. If this is the case, where key managers believe that abuse has occurred, then this procedure will still be followed internally and the case will remain open until all appropriate actions have been taken.

Section 42 Formal Enquiry

During Initial Enquiries the Local Authority will decide if a formal enquiry is necessary in order to establish fact and gather evidence; to be able to identify and / or provide a basis for the safeguarding actions required. The objectives of a formal enquiry into abuse 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

When would a Formal Enquiry be appropriate?

A Formal Enquiry is the most likely course of action, but not limited to, the following circumstances:

- Organisational abuse
- Concerns about the safety of a service
- Allegations of abuse or neglect in relation to a 'person in position of trust'
- Where formal or legal actions could be taken in relation to the person alleged to have caused harm

Further information about a Sec 42 Formal Enquiry and Internal Investigation can be found in our [Guidance Document](#).

Step 4: Case Closure (for Service Managers)

This end process can happen at any point during the safeguarding process and can be dictated by the wishes and desired outcomes of the adult. At any point during the process it may be decided there is no longer risk of harm or that risk has been appropriately assessed and managed, or, in cases where the allegation is not about a person in a position of trust the adult may have reasons to want the formal enquiry to discontinue.

Where an adult at risk has suffered harm and abuse, before a case is considered for closure service management must liaise with the Local Authority in identifying ways to help the adult recover and develop resilience. This could be via the individual support plan, or local organisations and support networks.

Once Service Management have confidently established from the Local Authority that they are fully satisfied that all necessary actions have been taken, and that the adult's desired outcomes have been met then the case can be moved to closure.

Service Management must aim to get the Local Authority to confirm closure of case in writing. If not, then a detailed record must be made of who was spoken with, including their professional title, when and exactly what was advised. Service Management must ensure that all documentation relevant to the case, including regulatory notification form, LA referral form (for reporting the concern), meeting minute records, terms of reference, investigation report and completed action plan has been collated and confidentiality saved in the adult's electronic confidential file.

Closure discussion

In cases where the safeguarding response has ended at the Initial Enquiry stage or when Risk Management has occurred the case can be closed by completing 'Closure' step of the c360 safeguarding incident report. Actions will need to be evidenced along with outcomes that were achieved.

When the safeguarding response has been considered complex or when a Section 42 enquiry has been required, a teleconference may need to take place with all key people involved e.g. Regional Director, HR Consultant, Quality Manager, Investigating Officer. The Closure Discussion will address the following (but is not limited to):

- Has the adult received feedback and their wishes and desired outcomes been met?
- If not, why not and what further actions are necessary to achieve this?
- If a staff member has been dismissed as a result of the concern, has a DBS referral been completed?
- If measures have been recommended against the staff member, have those measures been put in place?
- Has the action plan into service improvements been completed?
- If not, what is outstanding and how will these improvements be achieved?
- Are there any further risks to the adult at risk and to other adults?
- If so, what further actions are required?

Once this discussion has taken place and all people involved in the Closure Discussion are satisfied that the concern has been appropriately dealt with, the c360 closure section can be completed, summarising the discussion and recording outcomes.

Progress Reports for ongoing open referrals

For an ongoing open referral or a case where there are delays e.g. there has been a criminal investigation and the case is now waiting to go to court or where a disciplinary hearing has resulted in an ongoing appeal situation, it is imperative that the Service Management keeps all other key people

informed of any developments, and reasons for any delay in progress. Regular case discussion should take place and where there is little progress monthly case discussion is the required minimum between the local Service Management and the Regional Director. This discussion should include, but not be limited to what actions are outstanding, is the adult at risk aware of the delay, and in the meantime, have any desired outcomes for the adult at risk been achieved?

When a concern has media interest/reputational risk or financial risk

The [protocol for the escalation of serious incidents](#) must be followed in all cases where there is media interest / reputational risk and financial risk.