

EXECUTIVE SUMMARY HERTFORDSHIRE SAFEUGARDING ADULTS POLICY AND PROCEDURE UPDATE 2017

The Hertfordshire Safeguarding Adults Board (HSAB) updated the local safeguarding adult at risk multi- agency policy and procedures to meet the requirements of the Care Act 2014 and the updated Department of Health Statutory guidance 2016. This document is designed to support current good practice in safeguarding and outlines the arrangements which apply to the whole of Hertfordshire in implementing changes in policy and procedures as a result of the implementation of the Care Act 2014.

The Care Act 2014 creates a new legal framework for how Local Authorities and partners work together to protect adults at risk of abuse or neglect.

There are some key messages in the Care Act 2014 which underpin good safeguarding practice; the policy has been updated to reflect these:

- Local Authorities have a duty to promote individual wellbeing;
- Implementation of making safeguarding personal principles. This means when abuse or neglect occur, it needs to be dealt with swiftly, effectively and in ways that are proportionate to the concern raised. The adult at risk must be at the centre of any safeguarding response and must be empowered to have as much control in decision making as possible. The adult at risk must be heard throughout the enquiry and supported to engage in the whole process to ensure a personalised care and support plan;
- The adult at risk must be supported to achieve the outcomes that are important to them. These outcomes must be considered and discussed throughout the safeguarding enquiry;
- Local Authorities must arrange for independent advocacy when appropriate;
- There is a duty for partners to co-operate and respond appropriately to safeguarding concerns and the Care Act also establishes the importance of organisations sharing vital information related to abuse and neglect;
- Local authorities have a duty to conduct a Section 42 safeguarding enquiry or make sure others do. While the Local Authority is responsible for leading the response, Police and NHS practitioners are also required to engage in this process where necessary;
- HSAB must arrange to carry out a Safeguarding Adult Review when someone with care and support needs dies as a result of neglect or abuse and there is a concern that the Local Authority or its partners could have done more to protect them;
- Prevention is key in the Care Act 2014 implementation. Early intervention and support should aim to address risks and support the person to promote their well being rather than waiting to respond when they have reached crisis point.

Adult Safeguarding duty to conduct Care Act 2014 Section 42 Enquiry applies when an adult who:

- Has needs care and support (whether or not the authority is meeting any of those needs)

And

- Is experiencing, or is at risk of, abuse or neglect

And

- As a result of those needs is unable to protect themselves from either the risk of, or the experience of abuse or neglect.

Types and Indicators of Abuse:

- Institutional abuse has been replaced by organisational abuse
- Domestic Abuse, modern slavery and self-neglect have been included.

Procedure Update

The safeguarding process has been updated to be compliant with the Care Act 2014 statutory guidance. It has been revised into four key stages. The timescales are indicative. With making safeguarding personal, these will vary from case to case depending on the individuals' wishes and circumstances. The enquiry can be closed at any stage if it is appropriate to do so or at the adult at risks request as long as there is no overriding reason such as vital or public interest to prevent closure.

| Stage | Action | Timescale |
|------------------------------------|--|--|
| Concern | <ul style="list-style-type: none"> • Raise concern with HCC or HPFT | Immediate action in emergency Within 24 hours if non urgent |
| Enquiry | <ul style="list-style-type: none"> • Decision on how to proceed • Initial conversation with adult • Strategy meeting/ discussion • Investigation • 1st Case conference • Subsequent Case Conferences • Distribution of approved minutes | Within 2 working days Within 2 working days Within 5 working days from decision to proceed Agreed at strategy stage Agreed at Strategy (within 3months) Maximum time between case conferences 4 months. Within 10 working days of meeting. <i>If draft minutes are sent out an additional 5 days can be added to ensure accuracy.</i> |
| Closure | <ul style="list-style-type: none"> • Closing the enquiry | On completion of enquiry. |
| Review of Safeguarding Plan | <ul style="list-style-type: none"> • Review of Safeguarding plan | Within 3 months of closure. |

- Feedback to referrers should be considered at each stage.
- Eligibility criteria to conduct a section 42 enquiry is based on the Care Act 2014 three criteria as highlighted above. All safeguarding concerns must be recorded and following initial fact finding a HCC/ HPFT trained professional will make the decision as to whether the concern will be responded to by means of

a Care Act 2014 Section 42 enquiry or through an alternative process such as care management.

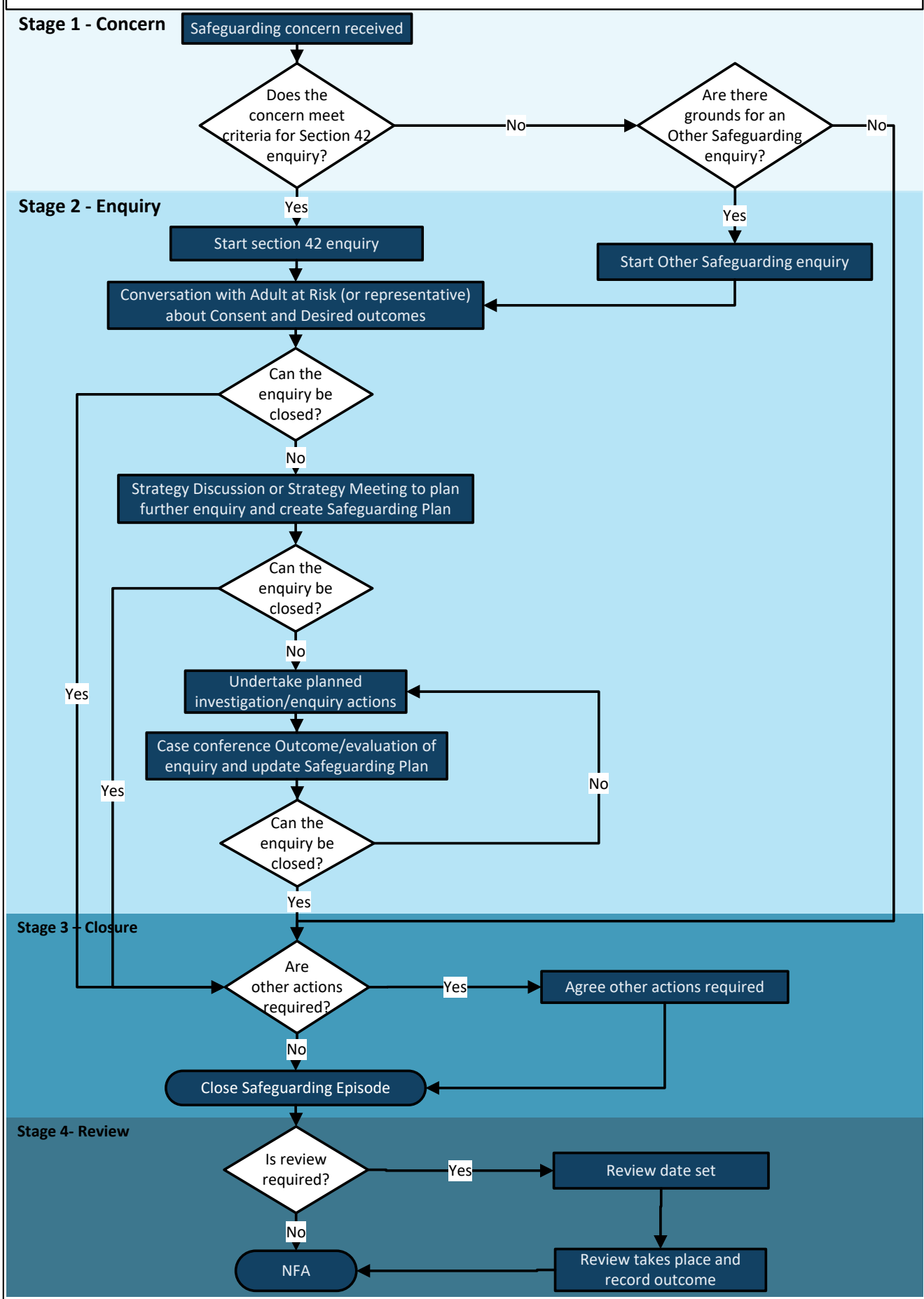
- Legal duty under Care Act 2014 section 68 to consider independent advocacy to support an adult at risk who has substantial difficulty in engaging in the safeguarding enquiry and does not have an appropriate individual to support them. This must be considered at the initial conversation with the adult at risk.
- Emphasis on initial conversation with the adult at risk to determine what their wishes are and seek consent for the enquiry to continue. This conversation should inform what further action is taken to address the concern raised.
- Can override wishes and continue with Care Act 2014 section 42 enquiry in the following circumstances:
 - Adult at risk lacks capacity to consent and a best interest decision is made
 - It is in the adult's vital interest
 - It is in the public interest
 - There is concern the adult at risk is making a decision under duress, control and coercion.
- Strategy stage may be conducted as a meeting or a discussion via email, telephone etc but must be coordinated by a HCC/ HPFT Manager.
- The adult and/ or their representative should be included in the strategy meeting or discussion unless there is a specific reason to exclude such as at the request of the police. In the event the adult or their representative is not included, their views must be considered in the discussion and inform decisions regarding further actions.
- Consideration by Safeguarding Manager of the need for a formal report to be collated by the HCC or HFPT enquiry officer in complex enquiries, where there may be a number of actions taken by various agencies to support the enquiry.
- Adult and/ or their representative must be included in the case conference unless there are exceptional reasons for exclusion such as public interest. Their views on what and how to implement their safeguarding plan must be considered to ensure a personalised plan. In the event that the adult is excluded from the safeguarding case conference, there must be an agreement as to how the outcome will be communicated to the adult and how their views will be asked as to whether their desired outcome has been achieved.
- Outcome for the Adult at risk must be sought at case conference. This may be:
 - Fully met
 - Partially met
 - Not met

And

Do they feel safer?

- Yes
- Partially – in some areas but not others
- no
- Outcome of the Section 42 Enquiry will be determined at case conference and may be one of the following:
 - Substantiated
 - Partially substantiated
 - Unsubstantiated
 - Inconclusive
 - Investigation ceased at individual's request

Care Act 2014 Section 42 Flowchart



Practice Guidance Update: Appendixes

The following appendixes have been reviewed and updated as part of the policy and procedures review:

- Appendix 3 Information Sharing
- Appendix 4 Pressure Ulcers and Neglect
- Appendix 5 Medication errors – ***currently under review***
- Appendix 8 Deprivation of Liberty Safeguarding (DoLS)
- Appendix 11 Domestic Violence and Abuse
- Appendix 15 Hertfordshire Provider Serious Concerns Process
- Appendix 16 Safeguarding Adults Reviews