

## **Summary of the Hertfordshire Safeguarding Adults from Abuse Procedure**

### **SECTION 1 Definitions and recognition of adult abuse**

Abuse is a violation of an individual's human and civil rights and can be committed by any other person, or persons. Abuse may consist of a single act or repeated acts, directly, or indirectly and can occur in any location. This procedure identifies seven categories of abuse: physical, sexual, financial, neglect, psychological, institutional and discriminatory.

The Hertfordshire Safeguarding Adults from Abuse Procedure should be used when there are concerns or allegations that a vulnerable adult is being abused. A vulnerable adult is any person of 18 or over who is or may be in need of community care services by reason of mental or other disability, age or illness and who is, or may be, unable to take care of himself or herself against significant harm or serious exploitation.

Abuse may not just be an acute incident, but is often a growing concern about the welfare of a vulnerable adult. When there is reason to believe that abuse is, or may be occurring it is the responsibility of all public agencies and services providers to take action.

### **SECTION 2 Values, principles and responsibilities**

All agencies and service providers must work within the law and must not support or condone abusive behaviour to vulnerable adults. Where abuse is occurring or believed to be occurring then staff must pass their concerns on to a responsible person and the Safeguarding Adults from Abuse procedure should be followed.

Public agencies and services providers have a responsibility to protect vulnerable adults from abuse. All those making a complaint or allegation or expressing concern, whether they be staff, service users, carers or members of the general public should be reassured that they will be taken seriously. Reporting bad practice or "whistle blowing" is a requirement for all staff in the Local Authority, the National Health Services and registered provider services under the National Minimum Care Standards.

Whilst client confidentiality should be respected it should not override all other considerations. There will be occasions when it will be necessary to share information with the police and other agencies to protect the vulnerable adult and others.

### **SECTION 3 Managing suspected cases of abuse, process for all staff**

It is the responsibility of the investigating team to manage the safeguarding adults from abuse investigation. A named manager from the investigating team must take responsibility for ensuring the Safeguarding Adults from Abuse Procedure is followed. This includes liaising with the police, the referrer, other relevant providers, family/carers, organising safeguarding adults from abuse strategy meetings taking minutes and completing the safeguarding adults from abuse referral and monitoring screen.

The investigating team will make contact with the police to enable them to establish whether a criminal act may have been committed, to ensure that evidence is preserved and that Achieving Best Evidence guidance is applied if appropriate.

Most safeguarding adults from abuse investigations begin with an initial risk assessment by telephone. The police may wish to begin their investigation immediately depending on the seriousness of the abuse and/or the level of risk to the vulnerable adult. The need for the immediate protection of the vulnerable adult must be considered at this point.

Public agencies and service providers are responsible for following their own department's personnel policies and procedures when an allegation of abuse is made against a member of staff. This usually results in the member of staff not having contact with the vulnerable adults whilst the investigation is taking place.

In all instances contact should be made with the investigating team and a plan of action agreed. Contact should be made with the police where a criminal offence may have occurred.

Registered care homes and domiciliary care providers should inform the Commission for Social Care Inspection (CSCI) of all instances of abuse. Where it is clear that the vulnerable person has been subject to a serious criminal offence, such as rape or serious assault, service providers should contact the police direct.

### **SECTION 4 The safeguarding adults from abuse strategy meeting**

A safeguarding adults from abuse strategy meeting should be held where there is suspicion concern and/or allegations of abuse. It should be held within **10** working days of the referral to the investigating team, or **3** working days if it is an emergency.

The meeting is central to developing a co-ordinated investigation ensuring that information is shared, roles agreed and stress for the vulnerable adult is minimised.

Police attendance is essential if it appears that a criminal offence may have occurred. Service providers who work with the vulnerable adult should attend and

CSCI invited if relevant. Consideration can be given to involving the alleged victim and/or, family/carers in the meeting.

If the alleged perpetrator is a vulnerable adult or a family/carer their needs should be addressed separately.

The aim of the safeguarding adults from abuse strategy meeting is to gather information on the allegation, and to produce an action plan for the investigation including the protection of the vulnerable adult. The action plan will detail roles and responsibilities in the investigation with timescales. The mental capacity of the vulnerable adult will need to be assessed and an Independent Mental Capacity Advocate (IMCA) involved where relevant. If the police investigation is going to be pursued this will take primacy. A copy of the action plan should be made available to those in attendance at the meeting. *(See diagram Key steps in responding to allegations of abuse 3.5)*

## **SECTION 5 Interview/investigation**

The aim of an interview with an alleged victim is to determine if abuse has taken place and to collect evidence which may lead to legal proceedings. Others may be interviewed in the process of the investigation. The investigation may reveal the need for a more comprehensive social and medical assessment. In all cases the need to protect the vulnerable person from further abuse should be considered.

The planning of the interview should be agreed at the safeguarding adults from abuse strategy meeting. If the police are to be involved consideration should be given to using Achieving Best Evidence guidance.

Where Adult Care Services (ACS) or other nominated staff are to conduct the interview it should be remembered the police may need to be contacted if further information is revealed that may be a criminal offence.

The reconvened safeguarding adults from abuse strategy meeting will consider the outcomes from the interview/investigation. Where concerns are substantiated it will be necessary to have a clear monitoring and protection plan for the vulnerable adult. The meeting should consider any legal interventions that may be required. There may be a number of reconvened safeguarding adults from abuse strategy meetings if the vulnerable adult is thought to be at serious risk. If concerns are unsubstantiated this may be due to lack of evidence. A monitoring and protection plan may still be necessary.

When a safeguarding adults from abuse investigation is completed the safeguarding adults from abuse referral and monitoring screen should be finalised.

## **SECTION 6 & 7 Outcomes from the Adult Protection Investigation.**

An investigation into the abuse of a vulnerable adult may reveal wider concerns about a service provider. When this occurs a Serious Concerns (about service providers to vulnerable adults) meeting should be held. This may result in a meeting with the service provider to discuss the concerns with the aim of improving the standard of care and support for vulnerable adults using the service. CSCI should always be involved if the meeting concerns a registered care home or domiciliary care service.

Alleged perpetrators who have a conviction for a relevant violent or sexual offence may need referring to the local MAPP or area review panel

A vulnerable adult with mental health and/or learning disability needs, who is an alleged perpetrator, may need referring to the MDO panel.

There are occasions when it will be necessary to share information with other agencies usually concerning a person who is an alleged perpetrator of abuse, with or without the permission of, or the knowledge of the person concerned. Careful consideration should be given in each case when this is felt to be necessary. There should always be consultation with the Legal Department when these circumstances arise.

## **SECTION 8 Assessing the needs of others**

Where an alleged abuser is a family/carer the factors contributing to the abuse should be carefully assessed. As there is no specific legislation for safeguarding adults it may be difficult to gain access to the vulnerable adult living with a family/carer if they are withdrawn from a service following an investigation. This may influence any decisions about when to intervene if abuse is felt to be occurring.

Vulnerable adults who abuse may still require support. If the abuse is serious the alleged perpetrator may have to live elsewhere either during or following the investigation. The safety, mental health and well being of the victim and other service users must be considered. Where exclusion from a service is felt to be necessary a meeting must be held to plan an alternative provision.

When a vulnerable adult dies attention should be paid to the circumstances of the death, particularly with regards to the quality of care and support that was being provided for the individual.

All local authorities are required to have safeguarding adult procedures. Investigations should be carried out using the local procedure in which the person lives. Out of County sponsors should be invited to attend any strategy meetings where appropriate.

There are some service users who make false allegations. When this occurs the investigating team should work closely with the provider to share information, so that a differentiation can be made between a false allegation and an allegation that requires investigation.

A serious case review may take place where there is very serious abuse and the role of public agencies and providers needs to be considered by the Hertfordshire Safeguarding Adults Committee.

## **SECTION 9 Summary of responsibilities when using the Hertfordshire Adult Protection Procedure**

There are twelve summaries for various public agencies and services providers. These are listed in the contents page and include: the investigating teams, the police, PCTs, client services, specialist hospitals, residential and day service provision.

## **SECTION 10 Key contacts**

Telephone numbers for contacting the Investigating Teams and Emergency Duty Team via Client Services, the police, CSCI and the Action on Elder Abuse helpline