



Nottingham and Nottinghamshire Multi Agency Adult Safeguarding Procedure for Raising a Concern and Referring

Version number: 2.3	
Approved with effect from: 1/8/2016	Previous version: 01/04/2015
Amendments: To reflect Care Act guidance changes	

Contents

1. Introduction	3
2. Definitions used in this Procedure	4
2.1 Adult at risk	4
2.2 Personal Budgets and Self Directed Support	5
2.3 Those who fund their own care arrangements	5
3. Abuse and neglect	5
3.1 Links to other processes and procedures	5
3.2 Children who allegedly abuse	6
3.3 Historical abuse	6
4. Self harm	6
5. Terminology and symbols	6
6. Guidance	6
7. Timescales	7
8. Flowchart for ‘raising a concern’	8
9. Raising a concern about abuse or neglect	9
9.1 All staff	9
9.2 Members of Public	9
9.3 ‘Whistleblowing’	9
9.4 Staff who suspect abuse in other organisations	10
9.5 Staff who have concerns about the quality of care in other organisations	10
10. Being told about or raising a concern about abuse or neglect	10
10.1 Taking immediate action	10
10.2 Responding to concerns raised directly with you	11
10.3 Record keeping	11
11. Flowchart for ‘referring’	11
12. Role of referrer	13
12.1 Who is the referrer?	13
12.2 Rampton Hospital referrals	13
12.3 Immediate safety and actions	14
12.4 Information gathering	14
12.5 Deciding whether or not to make a referral	15
13. Making a referral to the relevant local authority	16
13.1 Getting the consent of the adult at risk	16
13.2 Making a decision to refer without consent	16
13.3 Outcomes for the adult at risk	17
13.4 Record keeping	17
13.5 Information you will need to make the referral	17
13.6 Where to make the referral	18
13.7 Making a referral out of hours	19
13.8 Making a decision NOT to make a referral	19
14. Local authority response	19
14.1 Section 42 Enquiries	19
14.4 Investigations	20
14.5 Outcomes	20
14.6 Review	21
14.7 Feedback	21
15. Complaints	21

1. Introduction

Safeguarding 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.

The aims of adult safeguarding are to:

- stop abuse or neglect wherever possible;
- prevent harm and reduce the risk of abuse or neglect to adults with care and support needs;
- safeguard adults in a way that supports them in making choices and having control about how they want to live;
- promote an approach that concentrates on improving life for the adults concerned;
- raise public awareness so that communities as a whole, alongside professionals, play their part in preventing, identifying and responding to abuse and neglect;
- provide information and support in accessible ways to help people understand the different types of abuse, how to stay safe and what to do to raise a concern about the safety or well-being of an adult; and
- address what has caused the abuse or neglect.

The Care Act 2014 sets out a clear legal framework for how local authorities and other parts of the system should protect adults at risk of abuse or neglect.

Local authorities have new safeguarding duties. They must:

- **lead a multi-agency local adult safeguarding system** that seeks to prevent abuse and neglect and stop it quickly when it happens
- **make enquiries, or request others to make them**, when they think an adult with care and support needs may be at risk of abuse or neglect and they need to find out what action may be needed
- **establish Safeguarding Adults Boards**, including the local authority, NHS and police, which will develop, share and implement a joint safeguarding strategy
- **carry out Safeguarding Adults Reviews** 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
- **arrange for an independent advocate** to represent and support a person who is the subject of a safeguarding enquiry or review, if required.

Any relevant person or organisation must provide information to Safeguarding Adults Boards as requested.

This document sets out the joint Nottingham and Nottinghamshire Safeguarding Adult Boards' procedure for all organisations to follow when they have a concern that an adult at risk is at risk of abuse and/or neglect in Nottingham and Nottinghamshire. (See below for definitions of an adult at risk of abuse or visit www.nottinghamcity.gov.uk/ncaspb or www.safeguardingadultsnotts.org for further guidance)

To find out more about the work of each Board and the interface with its respective local authority and other statutory organisations, please visit www.nottinghamcity.gov.uk/ncaspb or www.safeguardingadultsnotts.org.

The following six principles apply to all sectors and settings and 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.
“I am asked what I want as the outcomes from the safeguarding process and these directly inform what happens.”
- **Prevention** – It is better to take action before harm occurs.
“I receive clear and simple information about what abuse is, how to recognise the signs and what I can do to seek help.”
- **Proportionality** – The least intrusive response appropriate to the risk presented.
“I am sure that the professionals will work in my interest, as I see them and they will only get involved as much as needed.”
- **Protection** – Support and representation for those in greatest need.
“I get help and support to report abuse and neglect. I get help so that I am able to take part in the safeguarding process to the extent to which I want.”
- **Partnership** – Local solutions through services working with their communities. Communities have a part to play in preventing, detecting and reporting neglect and abuse.
“I know that staff treat any personal and sensitive information in confidence, only sharing what is helpful and necessary. I am confident that professionals will work together and with me to get the best result for me.”
- **Accountability** – Accountability and transparency in delivering safeguarding.
“I understand the role of everyone involved in my life and so do they.”

2. Definitions used in this Procedure

2.1 Adult at risk

Safeguarding duties apply 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.

The adult’s care and support needs should arise from, or be related to a physical or mental impairment or illness however, they do not need to meet the minimum eligibility criteria as set out in chapter 14 of the [Care and Support Guidance](#), issued under the Care Act 2014.

The adult who safeguarding duties apply to will hereafter be referred to as the ‘adult at risk’ in these procedures.

Carers may experience intentional or unintentional harm from the adult they are trying to support and as a result safeguarding enquiries may be required. For more information on carers and safeguarding see [ADASS 'Carers and Safeguarding Adult at risks – working together to improve outcomes' July 2011](#).

2.2 Personal Budgets and Self Directed Support

Increasingly, people are deciding to use less traditional ways of having their eligible social care and health care needs met. Many are taking the opportunity to exercise greater choice and control over what kinds of services they receive, who provides them and the way in which they are delivered.

The local authority retains its duty of care with regard to individuals in receipt of a personal budget and this procedure should be followed where relevant.

2.3 Those who fund their own care arrangements

People who fund their own care arrangements are legally entitled to receive support if subject to abuse or neglect in exactly the same way as those supported or funded by the local authority.

3. Abuse and neglect

Abuse and neglect can take many forms and the individual circumstances of a case should always be considered, although the criteria at 2.1 above will need to be met before the issue is considered a safeguarding concern. The Care Act 2014 provides the following categories of abuse and neglect:

- Physical;
- Domestic violence (where the adult at risk criteria at 2.1 above are met)
- Sexual;
- Psychological;
- Financial and material;
- Modern slavery
- Discriminatory;
- Organisational;
- Neglect and acts of omission;
- Self-neglect

These categories are explored in depth in the accompanying guidance.

When discussing abuse with an adult at risk, family, carer or other members of the public it is recommended that common language is used. This means you may prefer to use literal terms when discussing concerns with an adult at risk or other members of the public, rather than the categories listed above. **Examples of this may be using the terms 'hitting' or 'slapping', rather than saying 'physical abuse'; discussing 'theft' instead of 'financial abuse'; or 'bullying' instead of 'psychological abuse'.**

Further guidance about the different types of abuse, examples of abuse and possible early indicators can be found at www.nottinghamcity.gov.uk/ncaspb or www.safeguardingadultsnotts.org. For referrals to **Nottinghamshire County Council ONLY**, you should also consult their 'Thresholds and Pathways' guidance at www.safeguardingadultsnotts.org

3.1 Links to other processes and procedures

There is a link between some legislation, procedures and guidance which may mean you need to follow more than one process at the same time. Where an adult at risk, as defined above, is subject to any of the following, these safeguarding adult at risks' procedures must be considered in addition to any other procedures:

- Domestic violence and abuse;
- Modern slavery;
- Honour based violence and forced marriage;
- Hate crime and mate crime;
- Anti-social behaviour;
- Unlawfully depriving someone of their liberty;
- Human trafficking;
- Extreme radicalisation;
- Violent extremism.

For more details on any of the subjects highlighted above, see www.safeguardingadultsnotts.org

3.2 Children who allegedly abuse

If a child is allegedly abusing an adult at risk, these safeguarding adults' procedures should be followed; however the Local Authority Children's Services will also need to be informed as part of any further work required.

3.3 Historical abuse

Where an allegation relates to historical abuse that happened when the adult was a child, it should also be dealt with under Child Protection Procedures in the same way as a contemporary concern to Children's Services.

If the allegation relates to historical abuse that happened when the adult at risk was aged 18 or over, these procedures should be followed.

4. Self-harm


Self-harm does not come under the scope of these procedures. However, this does not mitigate your duty of care in such cases and should be addressed by your organisations' own internal procedures. For more information on self-harm visit www.nice.org.uk.

5. Terminology and symbols

These procedures are split into three sections;


Raising a concern about abuse or neglect



The green section or where you see this symbol  is for **anyone** who has a concern that an adult at risk is at risk of abuse or neglect and describes what they should do in such circumstances.


Referring to the local authority



The orange section or where you see this symbol  is for staff within an organisation nominated to act in the role of 'Referrer' and describes what they should do when anyone raises a concern that an adult at risk is at risk of abuse or neglect with them.

The blue section – your role within the local authority response



The blue section or where you see this symbol  describes how the relevant local authority will respond to a safeguarding referral and your role as referrer within this.

6. Guidance

In addition to these procedures, there is accompanying guidance available to help you undertake and understand your role in this process, along with other resources and guidance which may be useful. The


following guidance is currently available in one document on both the Nottingham and Nottinghamshire websites however, it they may be added to from time to time:

- Possible Indicators of Abuse;
- Other Factors for Consideration;
- Links to Other Processes;
- Record Keeping;
- Preserving Evidence;
- Safeguarding Adults and the Law;
- Creating your own internal Safeguarding Procedures.


When relevant, the guidance above is highlighted throughout these procedures and is available at www.safeguardingadultsnotts.org and www.nottinghamcity.gov.uk/ncaspb

7. Timescales

Responding to safeguarding concerns of any nature should be done in a timely manner. Below are agreed timescales which you should aim to follow. However, a common sense approach should be taken where vital information is required to ensure the safety of the adult or others at risk. This may result in actions being considered to be more urgent than the timescales set.

Raising a concern –  immediately if an emergency or within the same working day
Any concerns you witness or are told about should be passed on immediately to a manager, 'referrer' or the relevant local authority or within the same working day (this should be within 4 working hours) where relevant and in line with these procedures.

Referring to the local authority –  one working day
You should aim to refer to the relevant local authority **WITHIN** one working day.

Local authority response 
The local authority will aim to ensure that section 42 enquiries are completed within a maximum of eight weeks. However, this will be proportionate to the risk presented and may often be quicker than this. The local authority will provide feedback to the referrer on the outcome of the referral. Make contact with the relevant local authority if you do not receive a response from them.

8. Flowchart for 'raising a concern' is on the following page 

This flowchart provides a brief overview of the process for raising a concern and should be used in conjunction with the written procedure.
You should raise any concern about abuse or neglect immediately if an emergency or within the same working day.

You are informed, or have concerns, that an adult at risk;

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

Ensure the immediate safety and welfare of the adult at risk .

Yes

Are emergency services required – i.e. police, ambulance, fire and rescue service?

No

Contact the relevant emergency services, 999 – be aware of the possible need for forensic evidence. See guidance for Preserving Evidence.

Are you concerned that the person responsible for referring is implicated?

Yes

No

Inform the next senior person within your organisation OR follow your organisation's Whistleblowing policy.

Raise a concern with the person within your organisation who is responsible for referring to the local authority (and your line manager if this is different). They will make the decision about whether a referral is required.

Keep a careful record of the concerns and your actions (these may be required at a later date for legal proceedings). See guidance for Record Keeping.

9. Raising a concern about abuse or neglect



9.1 All staff



9.1.1 All staff (paid and volunteers), of any service involved with the adult at risk, **have a duty** to act immediately to inform the person within their organisation responsible for 'referring to the local authority' (and their line manager if this is different) of any concerns that an adult at risk:

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

9.1.2 A concern may be raised in a number of ways:

- By the adult at risk themselves;
- By a member of public including , carer, family member, friend, another adult with care and support needs or someone else visiting a service;
- By something you have directly observed.

9.1.3 When the suspected abuse or neglect of an adult at risk results in death, these Multi-Agency Procedures and Guidance must be considered along with any other actions that may be necessary.

9.1.4 Although you have a duty to share the information with the person within your organisation responsible for 'referring to the local authority' (and your line manager if this is different), you should not discuss your concerns with anyone else, for example work colleagues, unless the immediate welfare of the adult at risk or other adults makes this unavoidable.

9.1.5 If your manager or the person responsible for making a referral makes a decision not to make a referral and you are unhappy with this decision you still have a duty to share information. This must be done by speaking to the next senior person in your organisation (unless 9.3 Whistleblowing below applies).

9.2 Members of Public



9.2.1 Where members of public including the adult at risk themselves, family, friends, or other adults with care and support needs witness or suspect abuse or neglect, they can either:

- Raise this with any member of staff within any organisation that provides a service to the adult at risk; or
- Contact the relevant local authority.

9.2.2 Where the concern relates to a member of staff perpetrating abuse they should, where possible, raise this with a manager or senior person on duty within that organisation.

9.2.3 If you feel you are not able to share information with the manager, or another manager within the organisation, as you believe that they are implicated or colluding with the alleged abuse, you should contact the relevant local authority and explain to the call taker that you wish to make a Safeguarding Adult Referral. (See page 17 for contact details).

9.3 'Whistleblowing'



9.3.1 Whistleblowing is where a member of staff feels that they are unable to share information with the person within their organisation responsible for 'referring to the local authority' as they believe that they are implicated or colluding with the alleged abuse.

- 9.3.2** If you feel that you are not able to share information with your manager, or the person responsible for referring, or another manager within your organisation, you must in the first instance follow your organisations own 'Whistleblowing Policy'.
- 9.3.3** The Public Interest Disclosure Act 1998 makes provision for disclosures to 'prescribed persons'. These are regulators such as the Health and Safety Executive, the Care Quality Commission and the Financial Services Authority. These disclosures are protected where the whistleblower meets the test for internal disclosures and reasonably believes that the information and any allegation in it are 'substantially true' and is relevant to the regulator.
- 9.3.4** You can only tell the prescribed person or body if you think your employer will cover up the alleged abuse, or would treat you unfairly if you complained, or your employer said they had sorted it out but had not.
- 9.3.5** If you need to refer in this way visit <https://www.gov.uk/whistleblowing/overview>

9.4 Staff who suspect abuse in other organisations



- 9.4.1** There may be occasions when visiting staff witness or suspect abuse in another organisation, for example a district nurse visiting an independent nursing home. In such circumstances the visiting member of staff will be expected to act in the role of the person 'raising a concern' (as above), informing the manager and the person responsible for 'referring to the local authority' (unless 9.4.2 applies). In addition to this you must inform your own line manager.
- 9.4.2** If you feel that you are not able to share information with the person responsible for referring to the local authority, another manager or senior person on duty within an organisation, as you believe that they are implicated or colluding with the alleged abuse, you must contact the relevant local authority and explain to the call taker that you wish to make a Safeguarding Adult Referral. (See page 11 for further details).

9.5 Staff who have concerns about the quality of care in other organisations



- 9.5.1** If you have concerns about an organisation not amounting to abuse or neglect as described in this document but related to the quality of care being provided you must, in the first instance, report this to the manager of the organisation and your own line manager.
- 9.5.2** This information must also be passed to the relevant body who commissions services from the organisation, for example, local authority purchasing and contracting department AND the regulatory body the Care Quality Commission (CQC).

10. Being told about or raising a concern about abuse or neglect

10.1 Taking immediate action



- 10.1.1** When you are first made aware of, or witness, a concern of abuse or neglect, your initial response must always be to the immediate health, safety and welfare of the adult at risk and anyone else at risk. Remember, this may include the alleged perpetrator.
- 10.1.2** In an emergency, you should contact the relevant emergency services (police, ambulance, and fire and rescue service) by dialling **999** before following this procedure.

10.2 Responding to concerns raised directly with you

10.2.1 The following are useful pointers when someone, including the adult at risk or their carer, raises a concern with you:

- Assure them that you are taking them seriously;
- Listen carefully to what they are telling you, stay calm, get as clear a picture as you can, but avoid asking too many questions at this stage;
- Do not give promises of complete confidentiality;
- If it is appropriate, ask the adult at risk what they would like to happen as a result of you passing on the concern however, you should;
- Explain that you have a duty to tell your manager or other designated person, and that their concerns may be shared with others who could have a part to play in safeguarding them;
- Reassure them that they will be involved in decisions about what will happen;
- Explain that you will try to take steps to protect them from further abuse or neglect;
- If they have specific communication needs, provide support and information in a way that is most appropriate to them;
- Do not be judgemental or jump to conclusions;
- Do not discuss the concern with the person alleged to have caused harm or anyone else, unless the immediate welfare of the adult at risk makes this unavoidable (or you are Whistleblowing – see 9.3 above).

10.3 Record keeping

10.3.1 It is vital that a written record of any incident or allegation of crime is made as soon as possible after the information is obtained, and made available to the referrer. Written records must reflect, as accurately as possible, what was said and done by the people initially involved in the incident either as a victim, alleged perpetrator or potential witness. The notes must be kept safe as it may be necessary to make records available as evidence and to disclose them to a court.

10.3.2 You must make an accurate record at the time, including:

- Date, time and place of the incident;
- Exactly what the adult at risk said, using their own words (their account) about the abuse and how it occurred or exactly what has been reported to you;
- Appearance and behaviour of the adult at risk;
- Any injuries observed;
- Name and signature of the person making the record;
- If you witnessed the incident, write down exactly what you saw.

10.3.3 The record should be factual. However, if the record does contain your opinion, it should be clearly stated as such. Information from another person should be clearly attributed to them.

11. Flowchart for ‘referring’ is on the following page

R

This flowchart provides a brief overview of the process for referring a safeguarding concern to the local authority and should be used in conjunction with the written procedure.

The timescale for 'referring to the local authority' is one working day from time of concern being raised.

A concern is raised with you or you have become aware that abuse or neglect of an adult at risk has occurred, or is suspected AND you are a nominated REFERRER in your organisation.

Ensure the immediate health, safety and welfare of the adult at risk and anyone else at risk (including the perpetrator, particularly if they also have care and support needs).

In an emergency contact the relevant emergency services (police, ambulance, fire and rescue service) – be aware of the possible need for forensic evidence. See guidance for Preserving Evidence.

Undertake any other immediate actions required as part of your organisation's disciplinary, health and safety or other relevant internal procedures.

Carry out initial information gathering:

- Speak to the adult at risk and find out what they want to happen
- Could events have occurred as described?
- Check written records;
- Speak to the person raising the concern to clarify events;

- Speak to a manager on duty at the time;
- Complete a body map where required;
- Gather information required for referral to local authority.

Using the information gathered, make a decision whether a referral to the local authority is required i.e. an 'adult at risk' is at risk of or has been subject to abuse or neglect from another person. See 'Definitions' guidance. In addition, for referrals to Nottinghamshire County Council, you should follow their 'Thresholds and Pathways' guidance at www.safeguardingadultsnotts.org

Is a referral required?

Seek the consent of the adult at risk to make a referral. Where appropriate, follow the Mental Capacity Act 2005.

Is consent given?

No

Is there overriding public interest e.g. other people could be at risk; a possible crime has been committed; risk to health and safety of others?

No

Yes

Yes

Make a safeguarding referral to the relevant Local authority (depending on where the alleged abuse occurred):

Nottingham City Council:

Health and Care Point: 0300 300 33 33

Nottinghamshire County Council (professionals only):

Multi Agency Safeguarding Hub (MASH): 0300 500 80 90

Completing the online form: www.safeguardingadultsnotts.org

Nottinghamshire County Council (public only):

Customer Service Centre: 0300 500 80 80

Consider any other actions required to support the needs of the adult at risk or other actions such as complaints processes, training needs or regulatory action if appropriate.

Keep a careful record of all actions, decisions and information gathered (these may be required at a later date for legal proceedings). See guidance for Record Keeping.

12. Role of referrer

R

12.1 Who is the referrer?

12.1.1 The person responsible for 'referring to the local authority' is the nominated person who receives information from the person 'raising a concern' (as detailed in the purple section). This member of staff becomes the 'referrer'. For example, referrers might be:

- Ward managers;
- Care home managers;
- Managers of home care services;
- Housing manager;
- Social workers.

12.1.2 Some staff groups might act as referrers without being a nominated person; these might include health professionals within hospital settings.

12.1.3 It is important to note here that referrers are **not** a separate type of staff – referring in this context is simply an aspect of the 'nominated person's' overall responsibilities.

12.1.4 When the suspected abuse or neglect of an adult at risk results in death, these Multi-Agency Procedures and Guidance must be considered along with any other actions that may be necessary.

It is the responsibility of each organisation to have its own internal procedures, which must detail the nominated staff who are able to take on this role. Guidance and a checklist to help you compile your organisation's internal procedure can be found at www.nottinghamcity.gov.uk/ncaspb or www.safeguardingadultsnotts.org

12.1.5 Members of the public. If a referral to the relevant local authority is made by a member of the public, family member, friend, neighbour, carer, service user/adult at risk or made anonymously, the information received directly by the relevant local authority will be treated as though the member of the public is acting as a referrer.

12.1.6 Anonymous referrals will be accepted from members of the public. However, this may restrict the response the local authority is able to give as it may not have all the information it needs.

12.1.7 A member of the public would not be expected to carry out all of the duties of the role of the referrer. If you are a member of the public wishing to inform the local authority you should contact the relevant local authority using the details on page 18.

12.2 Rampton Hospital referrals

R

12.2.1 Referrals relating to Rampton Hospital are managed by social workers who are employed by the Nottinghamshire Healthcare NHS Trust. This procedure will still be followed in determining whether a safeguarding referral is required. However the referral point is different. Please contact Nottinghamshire Healthcare NHS Trust (<http://www.nottinghamshirehealthcare.nhs.uk/our-services/forensic-services/rampton-hospital/>) if you need to make a safeguarding referral in relation to Rampton Hospital.

12.3 Immediate safety and actions

12.3.1 There is a temptation to try to intervene as soon as possible to help the adult at risk adjust to what has just happened. However, the best practice in dealing with trauma is NOT to have an immediate intensive ‘debriefing’ session focussed on the incident (NICE Guideline CG26, 2005). Also this sort of intervention may compromise a criminal investigation. The focus of help given to a person immediately after an abusive incident should be physical and emotional care to provide them with feelings of safety.

12.3.2 When you first become aware of an incident, the following pointers should be considered and, where relevant, acted upon **in line with 12.3.3, 12.3.4 and 12.3.5 below:**

- Your first consideration should always be the immediate health, safety and welfare of the adult at risk and anyone else at risk;
- In an emergency, you should contact the relevant emergency services (police, ambulance, fire and rescue service) before following this procedure;
- **Note that concerns of a sexual nature will require expert advice from the police;**
- If the alleged perpetrator also has care and support needs, you should consider any immediate needs they may have;
- In line with your organisation’s disciplinary and other relevant procedures, take any proportionate action against any staff members who are alleged to have perpetrated abuse.

12.3.3 Any immediate actions against an alleged perpetrator should be considered carefully, particularly where there is the possibility of contaminating evidence. You should consider whether it is appropriate to discuss any proposed actions with the police or relevant local authority **BEFORE** the alleged perpetrator becomes aware of any allegations against them. (For more information, see guidance on Preserving Evidence)

12.3.4 Where allegations relate to staff members as alleged perpetrators, you should consider actions under your own internal disciplinary procedures. Whilst the safety of the adult at risk and anyone else at risk is your priority, any decision to suspend a staff member at this stage should be proportionate to the level of risk presented, fully documented and agreed by a senior manager) within your organisation.

12.3.5 When a decision is made that a staff member should be suspended, you are reminded that the person has a right to know, in broad terms, what the allegations or concerns against them are.

12.3.6 Everyone is entitled to the protection of the law and access to justice. Behaviour which amounts to abuse and neglect, for example physical or sexual assault or rape, psychological abuse or hate crime, wilful neglect, unlawful imprisonment, theft and fraud and certain forms of discrimination also often constitute specific criminal offences under various pieces of legislation. Although the local authority has the lead role in making enquiries, where criminal activity is suspected, then the early involvement of the police is likely to have benefits in many cases.

12.4 Information gathering

12.4.1 When, as referrer, you are informed or become aware of a concern, you will need to carry out some initial information gathering to decide if the incident should be referred to the relevant local authority.

12.4.2 When carrying out initial information gathering, you need to consider the following:

- Could the event(s) have happened as alleged? You should not start the interview/investigation process; however it may be necessary to ask the alleged victim some CLARIFICATION questions to gain an understanding of the allegation (see below);

- The information gathering should take place as soon as possible (e.g. bruising will fade if left too long before logging/photographing);
- Discussing with the relevant manager(s) on duty at the time. For example, what was said, seen, responded to? How was the information recorded?
- Checking written records – care plans, files, communication books, rotas etc. Could the alleged perpetrator and victim have been together/alone?
- At times it may be necessary to discuss the incident with other members of staff. However, this should be done sensitively and only when appropriate to manage risk to the adult at risk or others. When this is necessary, you should remind staff about your organisation’s approach to confidentiality.
- Gathering information about the service user, alleged perpetrator and members of staff;
- Checking files to see if previous records support the claims;
- Would a ‘body map’ be useful? You can find a template at www.nottinghamcity.gov.uk/ncaspb or www.safeguardingadultsnotts.org. Where a body map is completed, you should inform the relevant local authority that you have done this.

12.4.3 It will usually be necessary to speak to the adult at risk (or their representative) about the incident to:

- Clarify what has been alleged;
- Ask what their ‘desired outcomes’ are from the referral being made to the local authority (see 13.3 below);
- Ask for their consent to the referral being made;
- Ask for their consent to allow the relevant local authority to request and use information from partner agencies (for example health services), where appropriate, to aid the safeguarding process

12.4.4 The following pointers may be helpful when having such conversations:

- Do NOT begin an interview/investigation process as this could jeopardise any further work;
- Consider the most appropriate way of communicating with the adult at risk, which may not always be verbal;
- Communicate with them in a private and safe place and inform them of any concerns;
- Use ‘common language’, for example talk about ‘hitting or ‘slapping’ instead of ‘physical abuse’ or about ‘theft’ instead of ‘financial abuse’;
- Discuss what immediate actions can be taken to help keep them safe;
- Provide them with information about the safeguarding adult at risks process and how this can help make them safer;
- Support them to ask questions about issues of confidentiality and agree who will be told about any concerns;
- Explain how they will be kept informed;
- Identify any communication needs and personal care arrangements.

12.5 Deciding whether or not to make a referral

R

12.5.1 Using the information gathered you will need to make a decision about whether or not a safeguarding referral is required to be made to the relevant local authority. This should be done by using the following guidance; ‘Definitions’ and ‘Possible Indicators of Abuse’, links to other processes, ‘other factors for consideration’ and ‘safeguarding and the law’, **AND the following;**

12.5.2 For referrals to Nottingham City Council you should make a safeguarding referral about all concerns which you become aware of, where 13.1.1 or 13.1.2 below applies.

12.5.3 For referrals to Nottinghamshire County Council you should follow the guidance set out in the 'Nottinghamshire Thresholds and Pathways Guidance' which is available at www.safeguardingadultsnotts.org

12.5.4 If you have decided that a safeguarding referral is required, you have a duty to make a referral to the relevant local authority

13. Making a referral to the relevant local authority

R

13.1 Getting the consent of the adult at risk

R

13.1.1 Where you have made a decision that a safeguarding referral is required, consent should be sought from the adult at risk;

- To make a safeguarding referral to the relevant local authority;
AND
- For the relevant local authority to request and use information from partner agencies (for example health services), where appropriate, to aid the safeguarding process.

13.1.2 Efforts to obtain consent from the adult at risk must always be made, wherever possible, prior to a referral being made to the relevant local authority. However, this should not unnecessarily delay a safeguarding referral being made where 13.2 below applies.

13.2 Making a decision to refer without consent

R

13.2.1 The mental capacity of the adult at risk to give their informed consent to a referral being made and information being shared is significant, but not the only factor, in deciding what action to take.

13.2.2 If the adult at risk is assessed as not having the mental capacity to make decisions about giving consent to a referral being made (by the referrer undertaking the 'two stage test'), the referrer must make a decision in their best interests, in accordance with the provisions set out in the Mental Capacity Act (2005) and in line with 13.2.3 and 13.2.4 below. For more information and guidance on completing a two-stage test and making a 'best interests decision' see the Mental Capacity Act (2005) Code of Practice at [MCA Code of Practice](#)

13.2.3 Article 8 of the Human Rights Act relates to an individual's rights to autonomy. However, the requirement to respect the rights of individuals to make decisions for themselves is not an excuse for inaction where an adult at risk is at risk of abuse or neglect.

13.2.4 Therefore, whilst consent should always be sought, if there is an overriding public interest, or if gaining consent would put the adult at further risk, a referral to the relevant local authority must be made. This would include situations where:

- Other people, including other adults at risk and or children, could be at risk from the person causing harm;
- It is necessary to prevent crime.

13.2.5 The adult at risk should be informed of the decision for the referral and the reasons, unless telling them would jeopardise their safety or the safety of others.

R

13.3 Outcomes for the adult at risk

13.3.1 To support any subsequent safeguarding work the relevant local authority undertakes with the adult at risk, it is important that the adult at risk (or their representative) is asked what outcomes they would like to see as a result of the referral being made.

13.3.2 At this stage of the process, it is important to allow the adult at risk to express their wishes freely and you should consider how they are able to communicate this best, including any aids which might support this process. However, you should explain to them that it will not always be possible to meet these wishes.

13.3.3 If the adult at risk is assessed as not having the mental capacity to make decisions about the outcomes they would like to see as a result of the referral being made (by the referrer undertaking the 'two-stage test'), the referrer must make a decision in their best interests, in accordance with the provisions set out in the Mental Capacity Act (2005).

13.3.4 Any desired outcomes expressed to you by the adult at risk or their representative (or via the best interest's decision) should be shared with the relevant local authority at the time the referral is made.

13.4 Record keeping

R

13.4.1 All records must be kept safe as it may be necessary to make records available as part of subsequent safeguarding work by the relevant local authority, or to disclose them to a court as evidence.

13.4.2 As Referrer you must keep records of the following where appropriate:

- Any actions undertaken to ensure the immediate safety of the adult at risk and/or anyone else at risk;
- Any actions undertaken against the alleged perpetrator;
- Crime number if the concern has been reported to the police;
- Any relevant information gathered as part of your role as referrer;
- Details of the concern (or ensure that you have access to any notes from the person raising the concern);
- The consent of the adult at risk to make a referral and for information to be shared as part of the safeguarding process or your decision if you are unable to gain consent;
- Your decision about whether a referral is required or not;
- The desired outcomes the adult at risk would like as a result of any subsequent safeguarding work.

13.4.3 The record should be factual. However, if the record does contain your opinion, it should be clearly stated as such. Information from another person should be clearly attributed to them. (For more information see guidance for 'Record Keeping')

13.5 Information you will need to make the referral

R

13.5.1 When making a safeguarding referral you will be asked to provide the following information. You can also download a copy of the questions you will be asked and complete a pro forma to keep with your records at www.nottinghamcity.gov.uk/ncaspb or www.safeguardingadultsnotts.org

- Name of the adult at risk;
- Date of birth;
- Gender;
- Address;
- Ethnic origin;
- Care and Support need;

- Details of the information gathered above including the **concern, consent to refer and desired outcomes**;
- Other agencies or independent service providers that the adult at risk is known to;
- Details of the authority/district the adult at risk is from if different to the one being reported to;
- Details of any funding arrangements;
- Person who raised the concern – friend, other service user, carer etc;
- Person who alerted;
- Location of abuse – residential care setting, adult at risk’s own home, general hospital etc;
- Type of abuse – discriminatory, psychological, sexual, financial/material, physical, neglect and acts of omission;
- Any details you may have about historical abuse involving the adult at risk.

Details about the alleged perpetrator:

- Name and address;
- Age – under 18, 18-30, 31-40, 41-50, 51-60, 61-70, 71-80, 80+;
- Gender;
- Relationship with service user – partner, neighbour, staff, other family member etc;
- Details of whether the alleged perpetrator is living with the adult at risk;
- Any immediate actions taken against them or to support them;
- Any details you may have about historical abuse involving the perpetrator.

13.5.2 Explain to the call taker that you wish to make a **‘SAFEGUARDING ADULTS REFERRAL’**.

13.5.3 It is important to provide your contact details, as the relevant local authority may need to contact you for further details and will contact you in any event to provide feedback about the referral.

13.6 Where to make the referral



13.6.1 When you have the information, you must make a referral to the ‘relevant local authority’. The term ‘relevant local authority’ refers to the place where the alleged abuse has occurred (regardless of who is funding the person’s care). For example, if a an adult at risk is funded by Derbyshire County Council but is in a care home in Nottingham City at the time of the alleged abuse, a referral should be made to Nottingham City Council. This is in line with the Association of Directors of Social Services’ national agreement on ‘out of area safeguarding adults arrangements’ (ADASS 2012).

13.6.2 You can contact the relevant local authority in the following ways:

- **Nottingham City Council**
Health and Care Point – 0300 300 33 33
(Opening times; Monday - Thursday 8.30am – 5.00pm, Friday 8.30am – 4.30pm)
- **Nottinghamshire County Council**
Multi-Agency Safeguarding Hub (MASH) – 0300 500 80 90 (professionals only)
(Opening times; Monday - Thursday 8.30am – 5.00pm, Friday 8.30am – 4.30pm)
Completing the online form at www.safeguardingadultsnotts.org (professionals only)
(Anytime)
- **Nottinghamshire Customer Service Centre** – 0300 500 80 80 (members of public)
(Opening times; Monday – Friday 8.00am – 8.00pm, Saturday 8.00am - 12.00pm)

13.7 Making a referral out of hours

R

13.7.1 Safeguarding referrals outside the hours stated above should only be made when immediate action is required by the local authority to make an adult at risk safe.

13.7.2 In such instances, the relevant Emergency Duty Team for either Nottinghamshire County Council or Nottingham City Council should be contacted (again this should be based on where the alleged abuse has taken place).

13.7.3 You can contact the relevant local authority in the following ways:

- **Nottingham City Council** on 0115 8761000
- **Nottinghamshire County Council** on 0300 500 80 80

13.7.4 Where a referral is required but where no urgent action is required by the local authority to make an adult at risk safe immediately, you should follow 13.6.2 above.

13.8 Making a decision NOT to make a referral

R

13.8.1 If, after assessing all the information available to you, you decide there is no allegation of abuse, you do not need to make a referral to the relevant local authority.

13.8.2 You must fully document any such decision, it would be good practice to discuss and agree this action with your line manager.

13.8.3 Any decision not to refer does not mean that the incident should be left or that other actions do not need to take place. Consideration still needs to be given to the needs of the adult at risk and to any other actions such as the complaints process, training needs, disciplinary or regulatory action if appropriate, **informing other people/agencies of the actions taken.**

14. Local authority response

L

14.1 Section 42 Enquiries

L

14.1.1 Once the relevant local authority receives the safeguarding referral they are under a duty to make or cause to be made, whatever enquiries it thinks necessary.

14.1.2 The local authority will follow their local procedures to determine the most proportionate response. Nottinghamshire Safeguarding Adults Board procedures for Nottinghamshire are available at www.safeguardingadultsnotts.org

14.1.3 Each local authority's procedures will include details of how they will coordinate a response to the referral, which may include some or all of the following;

14.2 Working towards the adult at risk's desired outcomes

L

14.2.1 The local authority should, wherever possible consider the views of the adult at risk and how they can work towards their desired outcomes.

14.3 Strategy meeting/discussion

L

R

14.3.1 The local authority may convene and chair a multi-agency meeting/discussion to assess the risk and identify actions as part of the section 42 enquiries.

L

14.3.2 The strategy meeting/discussion will consider the desired outcomes that the adult at risk wants to see at this point in the process. Actions agreed at the strategy meeting/discussion will focus on these outcomes, considering if and how they can be achieved. **L**

14.3.3 As a referrer or in your role as a provider of care to the adult at risk, you may be asked to contribute to the strategy meeting/discussion and agree to undertake further actions as part of the local authority's response (as detailed below). **R**

14.4 Investigations **R** **L**

14.4.1 Enquiries might include, for example; criminal investigation, safeguarding adult at risks' investigation or disciplinary investigation. **L**

14.4.2 Where a member of staff is alleged to have caused the abuse or neglect, it is the responsibility of the employer to undertake the disciplinary investigation in line with their own disciplinary procedures. However, it should be agreed how this links with other actions as part of the local authority's response to prevent duplication of work and repeat interviews. **R**

14.4.3 The above is particularly important when interviewing the adult at risk, and should only be done as part of the disciplinary process where this is agreed as the most appropriate response. However, where information and evidence from other investigations could aid this disciplinary investigation, this should be made available by the local authority. **R**

14.5 Outcomes **L** **R**

14.5.1 Where actions are identified by the local authority, there may be a meeting to discuss the findings and agree any further actions. The aim of any meetings (or discussions) is to:

- Agree and record the most appropriate way to manage and minimise the risk of future abuse to the adult at risk and anyone else at risk of abuse or neglect;
- Consider whether the desired outcomes for the adult at risk have been met. **L**

14.5.2 Any actions required to manage or reduce the risk of future abuse or neglect should be recorded and agreed with the adult at risk. **L**

14.5.3 As a referrer, or in your role as a provider of care to the adult at risk, you may be asked to contribute to such meetings/discussions. **R**

14.5.4 Where it is determined that a member of staff has perpetrated abuse against an adult at risk, you may be required to refer them to the 'Disclosure and Barring Service' and you **must** do this if you:

- Have dismissed them because they harmed a child or adult at risk;
- Have dismissed them or removed them from working in 'regulated activity' because they might have abused a child or adult at risk otherwise; or
- Were planning to dismiss them for either of these reasons, but the person resigned first. **R**

14.5.5 To make a referral to the Disclosure and Barring Service or for more information about it, including what a 'regulated activity' is, please visit <https://www.gov.uk/government/organisations/disclosure-and-barring-service>. **R**

14.5.6 Many staff may also be governed by codes of professional conduct or be members of statutory or professional bodies. Where appropriate, employers should report workers to the statutory or other bodies responsible for professional regulation. **R**

14.6 Review



14.6.1 Where a safeguarding plan is completed, it will normally be reviewed to ensure that it has been effective in both meeting the needs of the adult at risk and managing wider risks. **L**

14.6.2 As referrer, or a provider of care to an adult at risk, you may be asked to participate in the review of a safeguarding plan where this is appropriate. **R**

14.7 Feedback



14.7.1 The local authority will ensure feedback is given to the appropriate people. Immediate feedback will be given to the referrer following the referral. If you do not receive feedback within eight weeks of making a referral, you should contact the relevant referral point for an update. **L**

14.7.2 At the end of the process, feedback will be given to the referrer, service user and Care Quality Commission (for regulated provider) and anyone else as required. **L**

15. Complaints



15.1 There will be times during the safeguarding process where concerns are raised. It is hoped that professionals will be able to work together to resolve these problems before they become a complaint. However, there will be some occasions when this is not possible.

15.2 All complaints about the safeguarding adults process, for example if timescales are not met or if you do not agree with the outcome of an investigation, should be sent to the appropriate safeguarding manager with a copy to the relevant safeguarding adults' board.

15.3 Safeguarding managers should comply with their internal guidelines on complaints meeting timescales and informing the relevant people.

15.4 All complaints about individual organisations, for example the conduct of the police in relation to a Section 42 enquiry, should be sent to that organisation's complaints department with a copy to the relevant safeguarding adults' board.

15.5 Where this occurs, you should follow the 'Making a Complaint' guidance issued at www.nottinghamcity.gov.uk/ncaspb or www.safeguardingadultsnotts.org

15.6 Nottingham City has an escalation policy for complaints, for more information follow this link: www.nottinghamcity.gov.uk/ncaspb

15.7 The introduction of the Care Act, together with lessons learnt from the Local Government Office's (LGO) previous involvement in complaints about safeguarding adult boards and safeguarding adults reviews has led the LGO to review its approach to how such complaints are investigated. This means that, in some circumstances, where a complainant is unhappy with the decision of a local council's investigation following a complaint, the LGO has jurisdiction to investigate. Full details of when the LGO can investigate can be found at the following link: <http://www.adass.org.uk/lgo-case-work-guidance-statement-sabs-april-2015/>.