

Foreword

This policy, guidance and toolkit was first published in May 2015 by the Local Safeguarding Adults Boards (4LSAB) covering Hampshire and the Isle of Wight (including Portsmouth and Southampton) to meet the requirements of the Care Act 2014 and the Department of Health Statutory Guidance published in October 2014. This 2nd edition of the policy reflects the changes introduced in the revised Care Act 2014 statutory guidance published in 2016 as well as other legislative changes. It is designed to support current good practice in adult safeguarding and outlines the arrangements which apply to the whole of the 4LSAB area. Local guidance, specific to each Local Authority area, will be provided separately. The whole document will inform all those who have a role to play in adult safeguarding and each section can be used either as part of the whole document or independently.

The document is divided into FOUR sections:

Section 1: Multi-Agency Safeguarding Policy

This section outlines the multi-agency policy for all partners to use in order to meet their responsibilities to keep adults with needs of care and support safe from abuse, neglect and exploitation. This section sets out the expectations and underlying principles regarding the implementation of this policy.

Section 2: Guidance on Statutory Safeguarding Enquiries

This section provides guidance on the new legal safeguarding duties arising from the Care Act 2014 and clarifies the roles and responsibilities of staff and managers in all agencies who have responsibilities to support adults with needs of care support who are at risk of abuse or neglect. This section also provides guidance on undertaking 'section 42' safeguarding enquiries as described in the Care Act 2014.

Section 3: PAN Hampshire and Isle of Wight Practice Tools

This section is composed of PAN Hampshire and Isle of Wight practice tools agreed by the 4LSAB. It provides information and strategies on good practice in adult safeguarding and the shared approach adopted by services to promote consistency across the area.

Section 4: National Policy Context

This section provides an overview and links to the current legal and national policy context for adult safeguarding.

This Multi-Agency Safeguarding Adults Policy and Guidance will be reviewed in January 2019

Introduction

Living a life that is free from harm and abuse is a fundamental right of every person. When abuse or neglect does occur, it needs to be dealt with swiftly, effectively and in ways that are proportionate to the concerns raised. In addition, the person must be at the centre of any safeguarding response and must stay as much in control of decision making as possible. The right of the individual to be heard throughout the process is a critical element in the drive to ensure more personalised care and support.

The Care Act 2014 creates a new legal framework for how Local Authorities and other parts of the system should work together to protect adults at risk of abuse or neglect. Partners must agree how they will work together and the roles they will play, to keep adults at risk safe. This policy, guidance and toolkit outlines the local response to this requirement.

In Hampshire and the Isle of Wight, the main statutory agencies - Local Authorities, Police and NHS organisations – are committed to working together to both promote safer communities in order to prevent harm and abuse and to deal with suspected or actual cases effectively. It is our belief that people at risk are best protected when procedures between statutory agencies are consistent across the whole of Hampshire and the Isle of Wight.

All staff, whatever the setting they work in have a key role in preventing harm or abuse occurring and for taking action when concerns arise. The policy and processes set out here are designed to explain simply and clearly how agencies and individuals should work together to protect people at risk. The target audience for this document is therefore, professionals and front-line workers (including unqualified staff and volunteers).

The Care Act 2014

The Care Act 2014 signifies a shift from existing duties on Local Authorities to provide particular services, to the concept of 'meeting needs'. In the Care Act 2014, adult safeguarding is established as a core function of the Local Authority care and support system. Chapter 14 of the Act introduces a new statutory framework for adult safeguarding which replaces the previous No Secrets Guidance issued in 2000.

1. Underpinning principles

The Care Act 2014 statutory guidance outlines a number of fundamental principles that must now underpin the care and support system including adult safeguarding. It also sets common expectations for how Local Authorities should approach and engage with people when assessing need and providing support as explained below:

- The principle of promoting wellbeing applies in all cases where a Local Authority is carrying out a care and support function, or making a decision, in relation to a person, including the support provided in the context of adult safeguarding.
- The duty to promote wellbeing applies equally to those who do not have eligible needs but come into contact with the system in some other way (for example, via an assessment that does not lead to ongoing care and support) as it does to those who go on to receive care and support, and have an ongoing relationship with the Local Authority.
- People must be supported to achieve the outcomes that matter to them in their life with practitioners focusing on the needs and goals of the person concerned.
- The importance of beginning with the assumption that the individual is best placed to make judgments about their own wellbeing. Building on the principles of the Mental Capacity Act 2005, practitioners should assume that the person themselves knows what is in their best interests in relation to outcomes, goals and wellbeing.
- Consideration of the person's views and wishes is critical to a person centred system. Where particular views, feelings or beliefs (including religious beliefs) impact on the choices that a person may wish to make about their support, these should be taken into account. This is especially important where a person has expressed views in the past, but no longer has capacity to make decisions for themselves.

- The importance of a preventive approach because wellbeing cannot be achieved through crisis management. By providing effective intervention at the right time, risk factors may be prevented from escalating.
- The importance of the individual participating as fully as possible in decisions about them and being given the information and support necessary to consider options and make decisions rather than decisions being made from which the person is excluded.
- Promoting participation by providing support that is co-produced with individuals, families, friends, carers and the community. 'Co-production' is when an individual influences the support and services received, or when groups of people get together to influence the way that services are designed, commissioned and delivered. This approach promotes resilience of individuals and helps to develop self reliance and independence, as well as ensuring that services reflect what the people who use them want.
- The importance of considering a person in the context of their family and wider support networks, taking into account the impact of an individual's need on those who support them, and take steps to help others access information or support.
- The need to protect people from abuse and neglect. In carrying out any care and support functions the Local Authority and its partner agencies should consider how to ensure that the person is and remains protected from abuse or neglect. This is not confined only to safeguarding issues, but should be a general principle applied in every case.
- The need to ensure that any restriction on the individual's rights or freedom of action is kept to the minimum necessary. Where action has to be taken which places restrictions on rights or freedoms, the course followed must be the least restrictive necessary.

2. Statutory safeguarding duties

Clauses 42 – 45 of the Care Act 2014 constitute the statutory adult safeguarding framework in which Local Authorities are required to:

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 with the Local Authority, NHS and Police as core members and develop, share and implement a joint safeguarding strategy

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

Arrange for an independent advocate to represent and support a person who is the subject of a safeguarding enquiry or review, if required.

The Care Act 2014 creates new duties of co-operation between partners and also establishes the importance of organisations sharing vital information related to abuse or neglect with the Local

Safeguarding Adult Board. The revised statutory guidance (March 2016) removes the role of Designated Safeguarding Adult Manager (DASM) and replaces this with requirements around the management of allegations against people in a position of trust.

The new statutory adult safeguarding framework requires a fundamental shift in approach to supporting adults at risk. Implementation cannot be achieved through a 'business as usual' stance. This policy, guidance and toolkit is designed to support partner organisations and their staff to make the shift in culture and practice necessary to achieve the vision of the Care Act 2014 for adult safeguarding in which:

- Safeguarding is the responsibility of all agencies
- A whole system approach is developed
- Safeguarding responses are proportionate, transparent and outcome focused
- The adult's wishes are at the centre of safeguarding enquiries and these drive the process
- There is an emphasis on prevention and early intervention
- People are supported in their recovery from abuse or neglect.

3. Information and advice

Chapter 14 of the Care Act 2014 places a duty on Local Safeguarding Adults Boards to provide general information to support public knowledge and awareness of adult safeguarding. This includes information on how the Board works, the different types of abuse and neglect, how to keep physically, sexually, financially and emotionally safe and how to support people to keep safe. Local Safeguarding Adult Boards and their member organisations must also provide accessible information and advice on how to raise concerns about the safety or wellbeing of an adult who has needs for care and support and what will happen when such concerns are raised.

4. Advocacy

The Local Authority has a duty to arrange for an independent advocate to represent and support a person who is the subject of a safeguarding enquiry or a safeguarding adult review if they would have 'substantial difficulty' to understand and take part in the enquiry or review and to express their views, wishes, or feelings. This provision relates to people with mental capacity. A person lacking capacity is able to access advocacy via existing provisions under the Mental Capacity Act 2005 in the form of Independent Mental Capacity Advocates (IMCAs). For people subject to the Mental Health Act 1983 advocacy support is available via Independent Mental Health Advocates (IMHAs).

5. Prevention

Prevention is critical to the vision of the Care Act 2014. The care and support system must work actively together to promote wellbeing and independence rather than waiting to respond once a person has reached a crisis point. Early intervention and support can help people to retain or regain their skills and confidence and to prevent or delay a deterioration in needs. This approach applies equally to adult safeguarding. Prevention is one of the core principles of the local multi-agency adult safeguarding policy and to support practice in this area, a practice guide has been included in Section 3 of this document.

This guidance highlights a number of essential building blocks for prevention and early intervention in adult safeguarding including:

A well trained workforce operating in a culture of zero tolerance of abuse

- People being informed of their rights to be free from abuse and supported to exercise these rights, including access to advocacy
- A sound framework for confidentiality and information sharing across agencies
- Access to good universal services, such as community safety services
- Needs and risk assessments to inform people’s choices
- Safeguarding involves achieving a balance between protecting people and preserving their right to make decisions for themselves
- Availability of a range of options for support to keep safe from abuse tailored to people’s individual needs
- Public and community awareness of the issue
- Links with other strategic plans and forums to ensure a joined up approach.

Whilst Chapter 14 of the statutory guidance relates specifically to adult safeguarding, there are also other chapters of the statutory guidance which have implications for adult safeguarding and these are listed in the table below. A link to the Care Act 2014 statutory guidance can be found in Section 4 of this Policy and Guidance.

Area	Chapter
Wellbeing	1
Prevention	2
Information and advice	3
Market shaping and market failure	4
Assessment and eligibility	6
Advocacy	7
Care and support planning	10
Review	13
Safeguarding	14
Integration	15

6. Six principles of adult safeguarding

In May 2013, the Department of Health published the government’s policy on adult safeguarding. This outlines six key principles for use by Local Safeguarding Adult Boards and member agencies for both developing and assessing the effectiveness of their local safeguarding arrangements. These describe in broad terms, the outcomes for adult safeguarding, for both individuals and organisations. We will also use the six principles to benchmark existing adult safeguarding arrangements. To view the full document, please use the link provided in Section 4. The following principles have also been incorporated into the Care Act 2014 statutory guidance and should inform safeguarding practice at the local level:

Principle	Description	Outcome for adult at risk
Empowerment	Presumption of person led decisions and informed consent	<i>“I am asked what I want as the outcomes from the safeguarding process and these directly inform what happens.”</i>
Prevention	It is better to take action before harm occurs	<i>“I receive clear and simple information about what abuse is, how to recognise the signs and what I can do to seek help.”</i>
Proportionality	Proportionate and least intrusive responses appropriate to the risk presented	<i>“I am sure that the professionals will work for my best interests, as I see them and will only get involved as much as needed.” “I understand the role of everyone involved in my life.”</i>
Protection	Support and representation for those in greatest need	<i>“I get help and support to report abuse. I get help to take part in the safeguarding process to the extent to which I want and to which I am able”</i>
Partnership	Local solutions through services working with their communities. Communities have a part to play in preventing, detecting and reporting neglect and abuse	<i>“I know that staff will treat any personal and sensitive information in confidence, only sharing what is helpful and necessary. I am confident that professionals will work together to get the best result for me.”</i>
Accountability	Accountability and transparency in delivering safeguarding.	<i>“I understand the role of everyone involved in my life.”</i>

7. Mental capacity, consent and best interests

People must be assumed to have capacity to make their own decisions and be given all practicable help before they are considered not to be able to make their own decisions. Where an adult is found to lack capacity to make a decision then any action taken, or any decision made for, or on their behalf, must be made in their best interests. Professionals and other staff have a responsibility to ensure they understand and always work in line with the Mental Capacity Act 2005. In all safeguarding activity due regard must be given to the Mental Capacity Act 2005. In all cases where a person has been assessed to lack capacity to make a decision, a best interest’s decision must be made. Even when a person is assessed as lacking capacity, they must still be encouraged to participate in the safeguarding process.

8. Whose business is safeguarding?

The Care Act 2014 establishes that safeguarding is everybody's business with Local Authority, Police and NHS partners playing a key role in preventing, detecting, reporting and responding to abuse, neglect or exploitation. Partners must find ways of helping people protect themselves and ways of protecting those least able to protect themselves.

Safeguarding ourselves from harm and knowing what we can do if we are experiencing harm is every adult's responsibility. Adults have fundamental rights to determine how they want to live their lives, so we need to strike a balance which supports an individual's right to make choices and be independent, while providing specialist support when this is needed.

Safeguarding must be built on empowerment so that it does not detract from other principles, such as self determination and the right to family life. Sometimes people want help to consider the options, information and support available to them, in order to retain control and to make their own choices; a wide range of agencies and organisations have a role to play in considering or providing options and supporting choices.

Mechanisms and safeguards against poor practice, abuse, neglect and exploitation need to be an integral part in the delivery of care and support, as well as commissioning and awarding contracts and monitoring arrangements for services providing care. Any person at risk of abuse, neglect or exploitation should be able to get in touch with public organisations for support and to know that agencies will work together as needed.

The 4LSAB are statutory, multi-agency partnerships providing strategic leadership for adult safeguarding across their area. They have a critical role to play in terms of providing the strategic leadership and management of safeguarding across partner organisations and to work to ensure relevant agencies work together effectively to safeguard and promote the safety and well being of adults at risk at the local level and to hold local agencies to account. The 4LSAB also have a key role in promoting awareness and understanding of abuse and neglect and to work to generate community interest and engagement in safeguarding to ensure "Safeguarding is Everyone's Business".

In terms of accountability, Safeguarding Adult Boards are required to produce a Safeguarding Plan setting out priorities for the coming year and to publish an Annual Report outlining progress against its objectives and highlighting on-going or new areas of focus for the coming year. Guidance has been developed outlining the multi-agency roles and responsibilities for adult safeguarding which can be found in Section 3 of this policy, guidance and toolkit.

At a practice level, adult safeguarding work covers a wide range of activities and actions taken by a large number of people. Adult safeguarding is concerned with those people who due to their circumstances would be defined as people 'with needs of care and support' who are experiencing or who are at risk of abuse, neglect or exploitation. The Care Act 2014 requires the Local Authority to make enquiries, or to ask others to make enquiries, where they reasonably suspect that an adult in its area is at risk of abuse or neglect. The purpose of the enquiry is to establish with the individual and/or their representatives what (if any) action is needed in relation to the situation and to establish who should take such action.

The statutory safeguarding duty (section 42 enquiry) applies when a person with care and support needs (whether or not ordinarily resident in the Local Authority area or whether the Local Authority is meeting any of those needs) is experiencing or is at risk of abuse or neglect, and as a result of those needs, is unable to protect him/herself. Whilst the Local Authority is responsible for leading the safeguarding response,

Police and NHS practitioners are legally bound to engage in this process.

9. Making Safeguarding Personal

Making Safeguarding Personal (MSP) is about responding in safeguarding situations in a way that enhances involvement, choice and control as well as improving quality of life, wellbeing and safety. It is about seeing people as experts in their own lives and working alongside them with the aim of enabling them to resolve their circumstances and support their recovery. MSP is also about collecting information about the extent to which this shift has a positive impact on people's lives. It is a shift from a process supported by conversations to a series of conversations supported by a process.

Statutory guidance states that all safeguarding partners should “take a broad community approach to establishing safeguarding arrangements. It is vital that all organisations recognise that adult safeguarding arrangements are there to protect individuals. We all have different preferences, histories, circumstances and life-styles, so it is unhelpful to prescribe a process that must be followed whenever a concern is raised” and that adult safeguarding should “be person led and outcome focused. It engages the person in a conversation about how best to respond to their safeguarding situation in a way that enhances involvement, choice and control as well as improving quality of life, wellbeing and safety.”

(Care Act 2014, Statutory Guidance, Department of Health)

Taking a more creative approach when responding to safeguarding situations may help to resolve them more satisfactorily by helping the person achieve the outcomes they want. The MSP Toolkit (4th Edition, Local Government Association, 2015) located in Part 3 of this document, is designed to provide a resource for practitioners to develop a portfolio of responses they can offer to people who have experienced harm and abuse so that they are empowered and their outcomes are improved.