

ADASS Safeguarding Adults Policy Group

Draft Guidance

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Out-of-Area Safeguarding Adults Arrangements

Protocol for Inter-Authority Safeguarding Adults Investigation and
Protection Arrangements

This agreement was ratified by ADASS on <dd mmm yyyy> and is
intended for adoption by all Local Authorities and Safeguarding
Adult Partnership Boards

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1 Introduction

ADASS members recognise the increased risk to vulnerable adults, or adults at risk of harm from abuse or neglect, whose care arrangements are complicated by cross-boundary considerations. These may arise, where funding/commissioning responsibility for an individual lies with an authority in one area and where concerns about potential abuse and/or exploitation subsequently arise in another area. The following terms are used throughout this protocol:

Host Authority – The Local Authority or Health Authority in the area where the abuse occurred.

Placing Authority – The Local Authority or Health Authority that has commissioned the service for an individual involved in a safeguarding adults allegation.

This protocol aims to clarify both strategic and operational responsibilities and actions to be taken by host authorities and placing authorities with respect to people who live in one area, but for whom commissioning responsibility remains with the area from which they originated. It can be particularly complex and demanding for a host authority to manage a safeguarding adults investigation when there are many different placing authorities involved.

This protocol should be read in conjunction with current national guidance on:

- Safeguarding Adults
- Ordinary Residence
- Establishing the Responsible Commissioner

2 Principles

The following principles underpin the guidance in this document:

1. The host authority will have overall responsibility for co-ordinating the safeguarding adult investigation and for ensuring clear communication with all placing authorities, especially with regards to the scheduling of meetings.
2. The placing authority will have a continuing duty of care to the vulnerable adult or adult at risk of harm.
3. The placing authority will contribute to the investigation as required, and maintain overall responsibility for the individual they have placed.
4. The placing authority should ensure that the provider, in service specifications, has arrangements in place for protecting vulnerable adults or adults at risk of

harm and for managing concerns, which in turn link with local (host authority) multi-agency safeguarding adults policy and procedures.

3 The Role of the Host Authority within the Safeguarding Adults Process

3.1 Safeguarding Adult Alert/Referral

It is recognised that a safeguarding concern could be raised in the first instance with either a host authority or a placing authority. Each must inform the other at the earliest possible opportunity. The host authority must always seek to inform all involved placing authorities as soon as possible of any allegations involving one of their service users as either an alleged victim or alleged perpetrator of abuse.

Once a safeguarding alert and referral have been raised with the host authority, it is the host authority's responsibility to lead the initial response to the referral in consultation with the placing authority. In some circumstances it may be necessary for the host authority to take immediate action to protect the vulnerable adult, for example, by contacting the police or other emergency services. In consultation with the placing authority the host authority will seek, where appropriate, medical assessment of any injuries/concerns.

If, as part of the initial protection plan, it is necessary to move an adult to a place of safety, this should be done wherever possible by agreement with the placing authority. Funding responsibilities remain with the placing authority. Protection arrangements will be reviewed throughout the investigation process.

The host authority will coordinate the investigation, gather information regarding the incident and undertake background checks in relation to the provider and/or individuals involved, ensuring prompt notification to the placing authority and other relevant agencies.

The host authority will allocate a suitably qualified officer to act as Safeguarding Manager. The Safeguarding Manager will have overall responsibility for co-ordinating the safeguarding adults investigation.

3.2 Strategy Discussion/Meeting

It is the host authority's responsibility to arrange the strategy discussion/meeting and ensure all appropriate placing authorities and other relevant local agencies are invited to contribute. The Safeguarding Manager should liaise with all placing authorities regarding the date and time of the meeting. A multi-agency strategy meeting may require involvement from health, the police and the Care Quality Commission (CQC) (see Section 7 for more information on placements commissioned by the NHS. Also see the CQC document "Our Safeguarding Protocol – The Care Quality Commission's responsibility and commitment to safeguarding").

The Safeguarding Manager will chair the strategy meeting and endeavour to ensure that all agencies are working together effectively.

The Safeguarding Manager will invite the placing authority to attend strategy meetings. The expectation is that placing authorities of service users affected by the allegations will attend. The placing authority should provide all relevant information to the strategy meeting, including written reports.

The strategy discussion/meeting will agree roles and responsibilities for undertaking the investigation. Overall responsibility for coordination of the investigation in line with the host authority's safeguarding adults procedures, remains with the host authority. Within the strategy discussion/meeting it may be necessary to assign tasks to the placing authority. If the placing authority is not in attendance at the strategy meeting, this may impact on the effectiveness of the investigation plan and the subsequent investigation, as well as any required protection arrangements.

The strategy discussion/meeting will set out a clear communications strategy which will include communication with all service users, families, carers and advocacy services (including Independent Mental Capacity Advocate (IMCA) services where appropriate). This communication strategy should be reviewed regularly. The host authority must share the minutes with CQC when the allegations involve a regulated service, even if CQC does not provide a representative to attend the meeting.

The strategy meeting will agree how other placing authorities, (i.e. of individuals not identified as alleged victims) will be informed of the concerns raised and who will do this.

The Safeguarding Manager will ensure that all decisions and agreed actions are fed back to a placing authority in the event that they are absent from the meeting.

3.3 Investigation

The host authority's Safeguarding Manager must liaise with the placing authority throughout the investigation. This is to ensure that:

- evidence or other information from any investigative activities undertaken by the placing authority is fed into the investigation.
- the placing authority is kept up to date by the Safeguarding Manager on progress with the investigation

3.4 Following Completion of the Safeguarding Adults Investigation

When the safeguarding adults investigation is completed, prior to the safeguarding adults case conference, it is the responsibility of the host authority to make the investigation report(s) available to the placing authority and to arrange pre-conference discussion with the placing authority about the content of the investigation report and any required protection arrangements.

The purpose of this discussion is:

- To share the outcome of the investigation
- To agree recommendations to the safeguarding adults case conference
- To identify any different views and the potential implications of this for the case conference
- To agree the process of communication with the vulnerable adult or adult at risk, their family, carers or advocate regarding the outcome of the investigation and content of the report(s)
- To agree if and how the attendance of the vulnerable adult or adult at risk, their family, carers or advocate at the case conference will be managed
- To discuss the recommended content of Protection Plan where appropriate
- To agree how the Protection Plan will be reviewed by the placing authority.

3.5 Safeguarding Adults Case Conference

The host authority will arrange the case conference in liaison with the placing authority who should contribute and attend.

The Case Conference will be chaired by a Safeguarding Manager/or other appropriate person from the host authority who is independent of the investigation.

The Case Conference Chair will meet with the vulnerable adult or adult at risk, their family, carers or advocate prior to the case conference to introduce him or herself and explain the chair's role at the case conference.

3.6 Safeguarding Adults Protection Plan and Review

If any tasks are allocated to the host authority relating to the care setting, it will be the responsibility of the host authority to keep the placing authority and other relevant agencies informed of progress made or any additional concerns.

The host authority also has responsibility to feed back information on progress and/or concerns to the Care Quality Commission (See the CQC document "Our Safeguarding Protocol – The Care Quality Commission's responsibility and commitment to safeguarding"). The host authority must share the minutes with CQC when the allegations involve a regulated service, even if CQC does not provide a representative to attend the meeting.

The host authority will liaise with the placing authority to ensure that reviews, where required, happen within the host authority safeguarding adults procedural timescales.

4 The Role of the Placing Authority within the Safeguarding Adults Process

The placing authority has overall responsibility to ensure that the commissioned placement meets the individual's needs. This includes responsibility for reviewing the contract specification, monitoring the service provided and negotiating changes to the care plan in a robust and timely way.

It is the placing authority's ongoing responsibility to ensure that during the safeguarding investigation the placement continues to meet the individual's needs. Where this is not the case, it may become necessary for the placing authority to commission a new service provider.

The placing authority retains responsibility for undertaking specific mental capacity assessments of, or best interest decisions for, individuals they have placed. This will relate to any required protection arrangements, including care planning, risk assessment, safeguarding processes and any required deprivation of liberty safeguards.

The placing authority is responsible for commissioning independent advocates for those individuals who do not have someone to advocate for them in relation to safeguarding proceedings.

During the safeguarding process, the placing authority should keep the host authority informed of any changes in the individual's needs and/or service provision.

Family member involvement should be considered where the adult at risk or vulnerable adult lacks specific capacity or wishes family members to represent or support them in the cases conference process.

The placing authority has responsibility to make sure that liaison takes place with the vulnerable adult or adult at risk, their family, carers and advocate throughout the Safeguarding Adults process.

This will include:

- Informing and updating them regarding the Safeguarding Adults process.
- Informing and updating them regarding the progress of the investigation
- Ensuring that the views, wishes and feelings of the vulnerable adult or adult at risk are represented and taken account of within the Safeguarding Adults investigation process
- Actively involving the vulnerable adult or adult at risk and family members, where appropriate and taking responsibility for ensuring the views of family are represented in any best interest decisions
- Identifying a safeguarding liaison person who will take responsibility for ensuring actions taken are fed back to the host authority during the investigation process

4.1 Safeguarding Adults Alert/Referral

When the placing authority is notified of a Safeguarding Adults alert/referral they will:

- Ensure immediately that the host authority has been made aware
- Check whether the placement continues to meet the individual's needs within a safe environment.
- If necessary, seek an alternative placement, whilst ensuring that the current provider has made adequate provision for the immediate protection and meeting of the individual's care needs until the move occurs, liaising with the host authority where appropriate
- Provide all relevant information to the host authority Safeguarding Manager

4.2 Strategy Discussion/Meeting

The placing authority should liaise with the host authority's Safeguarding Manager regarding the date and time of meetings. The placing authority should provide a representative with appropriate authority for decision making to attend and participate in, all strategy meetings.

The placing authority should provide all relevant information to the strategy meeting via the host authority's Safeguarding Manager.

Within the strategy discussion/meeting it may be necessary to assign tasks to the placing authority. It is expected that the placing authority has an established relationship with the vulnerable adult or adult at risk. They may therefore be the most appropriate body to undertake an investigative interview with this person.

If a mental capacity assessment is needed as part of the safeguarding investigation, the placing authority should clarify how they intend to commission this, during the strategy discussion/meeting.

4.3 Investigation

The placing authority must liaise with the Safeguarding Manager throughout the investigation. This is to ensure that:

- evidence or other information from any investigative activities undertaken by the placing authority is fed into the investigation.
- the placing authority is kept up to date by the Safeguarding Manager on progress with the investigation

4.4 Following Completion of the Safeguarding Adults Investigation

When the safeguarding adults investigation is completed, prior to the safeguarding adults case conference, the placing authority will be sent the investigation report, and contacted by the host authority to enable pre-conference discussion to take

place about the content of the investigation report and any required protection arrangements. The purpose of this discussion is:

- To share the outcome of the investigation
- To agree recommendations to the safeguarding adults case conference
- To identify any different views and the potential implications of this for the case conference
- To agree the process of communication with the vulnerable adult or adult at risk, their family, carers or advocate regarding the outcome of the investigation and content of the report(s)
- To agree if and how attendance of the vulnerable adult or adult at risk, their family, carers or advocate at the case conference will be managed
- To discuss the recommended content of Protection Plan where appropriate
- To agree how the Protection Plan will be reviewed by the placing authority.

4.5 Safeguarding Adults Case Conference

The placing authority will attend the Safeguarding Adults Case Conference. The placing authority will ensure that where appropriate, family members are invited to the case conference. If required, the placing authority will support families with travel arrangements and, where agreed, any reasonable travel costs. This is not the responsibility of the host authority.

Where the vulnerable adult or adult at risk, their family, carers or advocate cannot attend the case conference, the placing authority will obtain their views in order for them to be represented within the case conference process and feed back to them the outcome of the case conference.

Where the need for an individual protection plan is identified, the Case Conference will discuss this in the light of the investigation findings and agree the protection arrangements to be put in place by the placing authority.

Further actions may also be agreed, which relate to a provider or a wider group of service users.

4.6 Safeguarding Adults Protection Plan and Review

The placing authority will notify the host authority of completion of any protection actions agreed at the case conference.

The host authority will liaise with the placing authority to ensure that reviews, where required, happen within the host authority safeguarding adults procedural timescales.

Ongoing protection planning and review of protection plans for each individual is the responsibility of their placing authority.

5 Full Fee Payers or ‘Self-Funders’

All residents of care homes, including self-funders, have a right to safeguarding adults services. The host authority has the responsibility for investigating concerns raised about residents who are full fee payers, and ensuring that protection plans are developed, if required.

Where it is established that a provider cannot meet the needs of an individual, this would include reassessing needs and helping them to find services that can meet their needs.

Where concerns are raised about a service provider, but full fee paying residents are not identified as individual alleged victims, the host authority will have responsibility to review the potential impact of the concerns on these residents as well as those directly affected.

6 Transitional Arrangements and Safeguarding Children/Young People

Safeguarding Children’s procedures cover children and young adults up to the age of 18 years. Safeguarding Adults procedures covers all adults from the age of 18 years.

When an alleged victim is over the age of 18 years by the time the safeguarding incident is reported, but the alleged incident occurred prior to the individual reaching 18 years, any investigation into the concern will be led by Children and Young People’s services.

When an alleged victim is over 18 and the alleged incident occurred after they were 18, any investigation into the concern will be led by Adults Safeguarding Services.

If concerns are raised about a provider that provides services for individuals both under and over the age of 18, such as specialist colleges, the host authority will be responsible for clarifying whether their children or adults safeguarding services will act as Safeguarding Manager, and coordinate any investigation necessary. This means that the Safeguarding Manager may need to liaise with children’s services or adult’s services or both from each placing authority.

The protection arrangements, however, may be the responsibility of either children or adults services, where the following criteria apply:

- Where a young person is supported by children’s services under “leaving care” arrangements, their protection is the responsibility of that service until they are 21 (25 if they are a disabled person).
- If the responsibility for care management of a service user lies with Transitional Services **within** Children and Young Peoples Services when the safeguarding alert is made, responsibility for protection will remain with this service throughout

the investigation. Any discussion/agreement to transfer responsibility should be made subsequent to and not as part of the investigation.

- In all other cases, the protection arrangements would be the responsibility of adult services.

7 NHS Placements

“The National Protocol for Notification of NHS Out of Area Placements for Individual Packages of Care (including Continuing Healthcare)” was published in March 2012. This protocol requires all placing primary care trusts (PCTs) and clinical commissioning groups (CCGs) to notify the host primary care trust or clinical commissioning group, whenever a patient is placed in the host primary care trust or clinical commissioning group area. It also requires the host primary care trust or clinical commissioning group to be notified when the placement comes to an end. This supports host authorities, working in partnership across health and social care to be aware of NHS placements in their area.

During the Safeguarding Adults process it is possible for a reassessment of the individual’s needs to be undertaken and as a result they may be assessed as eligible for continuing healthcare. In this case the funding responsibility to meet the individual’s needs may transfer from the placing local authority to the NHS. It is the responsibility of the placing authority to liaise with the NHS in such circumstances.

8 Essential Communication

Throughout the investigation the host authority and the placing authority must stay in close communication. The Safeguarding Manager and all placing authorities must be kept informed of any changes that affect the investigation or interim protection arrangements.

The following decisions about a service provider should be shared with all placing authorities, if the decisions relate to relevant safeguarding adults matters:

- Suspension of placements
- Application of contracting sanctions
- Implementation of a service improvement action plan

Where the host authority becomes aware, during a safeguarding investigation, that a home can no longer provide a safe service, this must be clearly communicated in a timely manner to all placing authorities.

Any immediate actions that are required to safeguard services users, such as decanting residents from one service to another, must be discussed as early as possible with all placing authorities.

9 Areas of difficulty/dispute

The Safeguarding Manager within the host authority must immediately report to their senior managers any situations of exceptionally high risk, for example:

- Where it is recognised that the provider can no longer meet the needs of their service users and an alternative is not immediately available
- Where there is disagreement about funding
- Where Placing Authorities fail to meet their commitments under this protocol

Where there is a dispute over the implementation of this protocol, funding, the investigation process or findings, it is vital that the safety of the adult at risk or vulnerable adult takes precedence. The authorities should ensure that the safety of the individual is secured, prior to the resolution of any dispute.

Senior managers within the host authority and placing authority may need to resolve such difficulties/disputes. In such circumstances the escalation and dispute resolution procedures of the host authority should be used.

Glossary

Alert/Referral – Process of raising a concern under the Safeguarding Adults Procedures

Case Conference – meeting to:

- Consider the outcome of the investigation
- Arrive at decisions as to whether abuse took place
- Assess ongoing risk factors and
- Produce a protection plan where appropriate.

CCG – NHS Clinical Commissioning Group

Continuing Healthcare – Is where the responsibility for overseeing the care of an individual is commissioned through NHS funding streams

CQC – Care Quality Commission

Host Authority – The term host authority is based on where the abuse occurred. The Host Authority functions as identified in this protocol may fall to the Local Adults Social Services or the Local Health Authority depending on local arrangements.

Investigation Report – The report that will be presented to the case conference following an investigation.

NHS – National Health Service

PCT – NHS Primary Care Trust

Placing Authority – The Local Authority or Health Authority that has commissioned a service from a provider (that may be located outside their Authority).

Protection Plan – Is a detailed plan of actions to be taken by identified individuals in order to ensure the vulnerable adult is protected from further abuse or harm

Safeguarding Adults Procedures – Multi-agency procedures for implementing protection arrangements to prevent harm and for overseeing and undertaking investigations into allegations of abuse or neglect of adults at risk of harm or vulnerable adults.

Safeguarding Manager – Is the person responsible for co-ordinating investigation. In some areas of the country this role is referred to as the Safeguarding Coordinator.