

Pan London Protocol for Inter-Authority Investigation of Adults At Risk Across London

Amended Draft July 2011

Introduction

These arrangements recognise the increased risk to vulnerable adults whose care arrangements are complicated by cross boundary considerations. These may arise, for instance, where the funding/ commissioning responsibility lie with one London Authority and where concerns about potential abuse and/ or exploitation subsequently arise in another London Authority. This would apply where the individual lives or otherwise receives services in another London local authority area.

These arrangements recognise that there are unique arrangements within London, where there are large populations across small geographical areas. Commissioning a service in a neighbouring borough is common place, and there are no geographical restrictions in the funding authority fulfilling its responsibility to review and monitor a placement in another Borough.

Where a London Authority commissions services outside of London, or conversely the funding Authority outside of London has commissioned a service in London please follow the ADAS 'Out Of Area Arrangements and Cross Border Issues Protocol.

1. Overall Responsibilities

- 1.1 The Funding/Placing Authority (F/P.A) has overall responsibility to ensure that the placement meets the individual's needs when an individual is placed out of their Local Authority 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.
- 1.2 It is the F/P.A responsibility to assess placed individuals for specific capacity assessments/decisions in relation to care planning, risk assessment.
- 1.3 The F/P.A should source and commission advocates or IMCA's for those individuals who do not have someone to advocate for them in relation to safeguarding proceedings.
- 1.4 During the safeguarding process, the F/P.A should inform the Host Authority (HA) of any changes in the individuals needs/provision.
- 1.5 It is the F/P.A ongoing responsibility to ensure that during the safeguarding investigation the placement is appropriate to meet the

individual service users needs. It may become necessary to commission a new service provider where the changing needs of an individual fall outside of the current placements capacity to meet their needs and/or registration requirements.

- 1.6 When a safeguarding concern is raised the Host Authority (HA) has responsibility to ensure that the concern/alert/referral is responded to in line with the Protecting adults at risk: London multi-agency policy and procedures to safeguard adults from abuse.

2. Safeguarding Adult Alert/Referral

2.1 The Role of the Host Authority (H.A)

- 2.1.1 Once a safeguarding concern/alert/referral has been raised it is the HA's responsibility to lead the initial response to the referral in consultation with the F/PA. However in some circumstances it maybe necessary for the HA to take immediate action to protect the adult at risk e.g. contact the police or other emergency services.
If as part of the initial protection plan the adult is moved to a place of safety, funding responsibilities remain with the F/PA.
This initial protection plan will be reviewed throughout the investigation process.
- 2.1.2 In consultation with the F/PA the HA will seek, where appropriate, medical assessment of any injuries/concerns.
- 2.1.3 The HA will co-ordinate the Safeguarding process, this will include gathering information regarding the incident and undertaking background checks in relation to the provider and or individuals involved, ensuring prompt notification to the F/PA and other relevant agencies.
- 2.1.4 The HA will allocate a Safeguarding Adults Manager who will have overall responsibility for co-ordinating the safeguarding adults investigation.

2.2 The Role of the Funding Authority (F/P.A)

2.2.1 The F/PA has responsibility to make sure that liaison takes place with the Service User/family/carer/advocate¹ as agreed during 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 Service User's views, wishes and feelings are represented and taken account of within the Safeguarding Adults investigation process
- Actively involving service users, family members where appropriate and taking responsibility for ensuring the views of family are represented in any best interest decision/s
- Identifying a safeguarding liaison person who will take responsibility for ensuring actions taken are fed back to the HA during the investigation process.

2.2.2 When the F/PA is notified of a Safeguarding Adults alert/referral they will;

- Retain the overall responsibility to ensure that the placement can/continues to meet the individuals needs within a safe environment
- Where this is not possible the FA must 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 HA where appropriate
- Provide all relevant information to the HA Safeguarding Adults Manager
- Contribute to initial decisions about the need from further investigation.

¹ Family member * involvement to be considered where - the person is subjected to abuse lacks specific capacity or where the person subjected to abuse wishes family members to represent or support them in the cases conference process.

3. Strategy discussion/meetings

3.1 The Role of the Host Authority (HA)

- 3.1.1 It is the HA's responsibility to arrange the initial strategy meeting/discussion and ensure all appropriate funding/placing authorities contribute.
- 3.1.2 The host Safeguarding Adults Manager will chair the strategy meeting and endeavour to ensure that all agencies are working together effectively.
- 3.1.3 The Safeguarding Adults Manager will invite the F/PA to attend, and wherever practicable the F/PA should attend the strategy meeting and case conferences.
- 3.1.4 The strategy meeting/discussion will agree roles and responsibilities for undertaking the investigation, including those task assigned to the F/PA. However, overall responsibility for coordination of the investigation in line with the HA's Safeguarding Adults Procedures, remains with the HA.
- 3.1.5 The strategy meeting/discussion will set out a clear inter authority communications strategy which will include communication with the service user, family and advocacy including IMCA where appropriate. This communication strategy should be reviewed regularly.
- 3.1.6 The strategy meeting will agree how other funding/placing authorities, (i.e. of individuals not identified as alleged victims) will be informed of the concerns raised and who will do this.

3.2 The Role of the Funding Authority/Placing Authority (F/PA)

- 3.2.1 The F/PA will attend, engage and participate in all strategy meetings/discussions.
- 3.2.2 As the F/PA may have an established relationship with the Service User they may be the most appropriate body to undertake/be involved in the investigative interview with the SU.
- 3.2.3 Where the strategy meeting decides there are specific investigative tasks or activities in relation to the person placed or funded this shall be conducted by the funding/ placing authority .
- 3.2.4 If Mental Capacity Assessment are needed as part of the safeguarding investigation this will continue to be the responsibility of the Funding/Placing Authority.

4. Following Completion of the safeguarding adults investigation

4.1 The Role of the Host Authority (HA)

4.1.1 When the safeguarding adults investigation is completed, prior to the safeguarding adults case conference, it is the HA responsibility to arrange a planning meeting/or discussion with the F/PA. The purpose of this is;

- To share the findings of the investigation
- To agree the content of the investigators report(s)
- To agree recommendations to the safeguarding adults case conference
- To agree the process of communication with the service user/family/carers/advocate regarding the outcome of the investigation and content of the case conference report/s
- To agree if and how service user/family/carer/advocate attendance at the case conference will be managed
- To discuss the content of Protection Plan where appropriate.

4.2 The Role of the Funding /Placing Authority (F/PA)

4.2.1 When the safeguarding adults investigation is completed the PA will attend/ contribute the planning meeting/discussion arranged by the HA. Within this meeting the PA will;

- Agree the content of the investigators report
- Agree the recommendations to be made to case conference
- Lead on communication with service user/family/carers/advocate regarding the outcome of the investigation and content of the case conference report/s
- Agree if and how attendance at case conference by service user/family/carer/advocate will be managed
- Where appropriate, lead on the discussion of a Protection Plan to be agreed at the Case Conference
- Propose how the Protection Plan will be reviewed by the F/PA.

5. Safeguarding Adults Case Conference

5.1 The Role of the Host Authority (HA)

5.1.1 The HA will arrange the Case conference in liaison with the F/PA who will contribute and attend.

- 5.1.2 The Case Conference will be chaired by a Safeguarding Adults Manager from the HA.
- 5.1.3 The Case Conference Chair will meet with Service user/family/carer/advocate prior to the case conference to introduce themselves and explain their role.

5.2 The Role of the Funding / Placing Authority (F/PA)

- 5.2.1 The F/PA will attend the Safeguarding Adults Initial Case Conference.
- 5.2.2 The F/PA will ensure that family members are invited to the case conference and where appropriate or required, support families with any travel arrangements.
- 5.2.3 Where service user/family/carers/advocate can not attend the case conference the F/PA will obtain their views in order for them to be represented within the case conference process.
- 5.2.4 The F/PA will feed back to the service user/family/carers/advocate the outcome of the case conference.
- 5.2.5 The F/PA will submit their proposed Protection Plan for the adult at risk in writing to the Case Conference for endorsement, if it is not already included in the investigators case conference report.

6. Safeguarding Adults Protection Plans

6.1 The Role of the Host Authority (HA)

- 6.1.2 Where tasks are allocated to the HA they will be responsible for keeping the F/PA informed of progress made or additional concerns.
- 6.1.3 It is the HA responsibility to keep the Care Quality Commission informed of progress and outcomes.
- 6.1.4 The HA will ensure that the service provider will make referrals to the Independent Safeguarding Authority or other professional body where appropriate.
- 6.1.5 The HA will liaise with the F/PA to ensure that the Protection Plan is reviewed within timescale set at the Case Conference.

6.2 The Role of the Funding/Placing Authority (F/PA)

- 6.2.1 Ongoing protection planning is the responsibility of the F/PA, who will convene and chair a review if required.
- 6.2.2 The F/PA will identify a core group of key individuals to implement the Protection Plan.
- 6.2.3 Where agreed at the Case Conference the F/PA will notify the HA of the outcome of the review.

7. Where the person who caused the harm is also a vulnerable adult

- 7.1 The funding authority for the person who has caused the harm is responsible for assessment including risk assessment and providing support as required.
- 7.2 Where the person who has caused the harm is self funding the above responsibilities fall to the host authority.

8. Full Fee Payers ‘Self Funders’

- 8.1 The HA has responsibility for investigating concerns raised about residents who are full fee payers/Self funders who should receive an equal service in relation to securing their safety as those in contracted placements.
- 8.2 Where concerns are raised about a service provider, but full fee paying residents are not identified as individual alleged victims, the HA will have responsibility to review the potential impact of the concerns on the care provided to full fee paying residents.

9. Transitional Arrangements – Safeguarding Children/ Young People

- 9.1 Safeguarding Children’s procedures covers children and young adults up to the age of 18 years. Safeguarding Adults procedures covers all adults from the age of 18 years.
- 9.2 If concerns are raised about a provider that, provides services for individuals under and over the age of 18 from the HA and F/PA’s, children and adults safeguarding services from the HA will jointly coordinate the strategy meeting to plan any investigation necessary.
- 9.3 When an alleged victim is over the age of 18 years by the time the safeguarding incident is reported, but the incident occurred prior to the individual reaching 18 years, any investigation into the concern should be led by Children and Young People’s services.

9.4 If the responsibility for case management of a service user lies with Transitional Services within Children and Young Peoples Services when the safeguarding alert is made, this responsibility will remain throughout the investigation. Any discussion/agreement to transfer responsibility should be made subsequent to and not as part of the investigation.

10. Continuing Health Care

10.1 During the Safeguarding Adults process it is possible for a reassessment of the individual's needs to be undertaken and as a result they are assessed as eligible for CHC and funding responsibility to meet the individual's needs transfers from the F/PA to the NHS.

10.2 It is recognised that this change may place the individual at increased risk of harm due to unclear organisational boundaries of responsibility. However, once responsibility is transferred, the NHS has statutory responsibility to provide the care management for the individual unless a Section 75 Partnership Agreement exists.

11. Areas of difficulty/dispute

11.1 The Safeguarding Adults Manager within the HA 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 the service user/s and an alternative is not immediately available
- Where there is disagreement about funding
- Where Funding Placing Authorities fail to meet their commitments under this protocol.

11.2 Senior managers within the HA and F/PA will need to resolve such difficulties /disputes.

12. Glossary

Case Conference – independently chaired meeting to:

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

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

Host Authority – 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. This function may transfer between the Adult Social Services and Health during the safeguarding process

Funding/Placing Authority – The Local Authority or Health Authority that has commissioned a service from a provider that is located outside their Authority, or the Local Authority from which an individual at risk usually resides

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 Manager – Is the person responsible for co-ordinating investigation