

Warwickshire

**Safeguarding Adults**

Board

**Warwickshire Safeguarding Adults Board escalation process**

**Version:** Final

**Date Issue:** 24 August 2015

**Reference:**

**Team:**

**Protective Marking:** Internal

**Introduction**

The process outlined in this document relates to cases where there are concerns/enquiries about an adult with care and support needs who is experiencing, or is at risk of abuse or neglect. This means that he or she is unable to protect themselves against the abuse or neglect or risk of it as a result of those needs.

This escalation process should be used for:

* Adult Safeguarding Concerns/Enquiries where the threshold for intervention is contested;
* Situations where there are concerns about agency adult safeguarding case management.

Matters relating to assessment for more general care and support needs, eligibility for care and support and funding of care and support needs are outside the scope of this process. Individual practitioner performance is also outside the scope of this document.

**Guiding principles**

A timely and satisfactory resolution to any disputed adult safeguarding concern/enquiry is the preferred approach. This should be at the lowest level of management agreement and moderation. Please see the key principle statements on pages six and seven.

Any immediate risks or needs should be met or mitigated regardless of any on-going dispute between agencies or teams.

People must be fully involved in decisions throughout the safeguarding process.

**Context**

The threshold for intervention in adult safeguarding is as set out above in the first paragraph. This provides sufficient guidance in the majority of cases for agreement between Social Care and Support in Warwickshire County Council (WCC) and the person referring a concern on the priority and desired outcome of such a concern.

However, Warwickshire Safeguarding Adults Board (WSAB) recognises that there are situations where disputes over thresholds may emerge. This was highlighted in the Gemma Hayter Serious Case Review (for example, the police made attempts to refer under safeguarding procedures but the referral was not accepted).

The WSAB has issued this document in response to this. Its first purpose is to assist professionals in circumstances where a threshold is contested.

Similarly, the WSAB acknowledges that the management of cases involving the safeguarding of adults with care and support needs is of a high standard for the vast majority of the time. However, concerns about case management may arise on occasions.

They may arise in respect of the management of a case by Social Care and Support. In other situations, Social Care and Support (WCC Safeguarding or other adult social care teams) may have concerns about response of a professional colleague to a situation involving the actual or likely significant harm to an adult who needs care and support. For example:

* A poorly framed or constructed safeguarding concern;
* A failure to refer a concern to Social Care and Support in a timely way;
* A failure to share all the relevant information needed by Social Care and Support teams to make an adequate judgement on the appropriate response to the concern;
* A failure to otherwise discharge professional responsibilities in relation safeguarding adults.

The Winterbourne View Serious Case Review highlighted the necessity of multi-agency challenge in helping to ensure the robustness of best practice in adult safeguarding. This protocol is designed to support and enhance the principle of challenge.

**Who does safeguarding apply to?**

People’s wellbeing is at the heart of the care and support system under the Care Act 2014. Adult safeguarding applies to **all** adults aged 18 or over who have care and support needs and who are experiencing, or are at risk of, abuse or neglect, and are unable to protect themselves. This may include:

* People with a learning disability or physical disability;
* People with mental health needs;
* People with sensory needs;
* People with cognitive needs, e.g. acquired brain injury;
* People who are experiencing short or long term illness.

However, it is important to note that inclusion in one of the above groups does not necessarily mean that a person is implicitly unable to protect themselves from abuse or neglect.

Adult safeguarding applies whatever setting people live in, and regardless of whether or not they have mental capacity to make specific decisions at specific times.

The Care Act Guidance 2014 describes “care and support” as:

“The mixture of practical, financial and emotional support for adults who need extra help to manage their lives and be independent – including older people, people with a disability or long-term illness, people with mental health problems, and carers.

Care and support includes assessment of people’s needs, provision of services and the allocation of funds to enable a person to purchase their own care and support. It could include care home, home care, personal assistants, day services, or the provision of aids and adaptations.”

**Abuse**

Local authorities should not limit their view of what constitutes abuse or neglect. They can take many forms and the circumstances of the individual case should always be considered. However, the criteria outlined in the introduction will need to be met before the issue can be considered a safeguarding concern. Exploitation, in particular, is a common theme in the following types of abuse and neglect:

* Physical;
* Sexual;
* Psychological;
* Financial or material;
* Neglect and acts of omission;
* Discriminatory;
* Organisational;
* Self-neglect;
* Domestic violence;
* Modern slavery.

**Multi-agency decision making about Concerns/Enquiries**

The current multi-agency policy and procedures set out the process for decision making on whether a concern meets the threshold for the safeguarding adult procedures, i.e. if the concern progresses to become an enquiry. The decision making process is set out below:

The assessment should include any previously gathered information. It should also address the following:

* Does the person/referred or group of individuals affected meet the definition of an adult with care and support needs?
* Do the concerns reported constitute an issue of abuse and/or neglect?
* Is the person unable to protect themselves from either abuse or neglect; or the risk of abuse or neglect as a result of their care and support needs?
* Has the informed consent of the individual been given to apply the Safeguarding Procedures where this is appropriate? Does any overriding public interest apply if consent is refused, and the person has the mental capacity to make this decision?

If the answer is **yes** to all of these questions, the Safeguarding Procedures **must** be used.

If the answer to any of these questions is **unknown** or **unclear**, the Safeguarding Procedures should be used. Part of the Safeguarding Assessment Enquiry will include methods to establish the answers to the above questions.

If the answer is **no** to any of these questions, it will not be appropriate to use the Safeguarding Procedures. Anyone who is not covered by these Procedures should be given appropriate information and advice or referred for appropriate support with their consent. This could include, for example, information relating to counselling or victim support, referral to domestic or sexual violence support organisations, referral for general assessment and support via the appropriate statutory service.

**Part 1: WSAB escalation process for a contested threshold for intervention**

**Key principle:** It is every professional’s responsibility to ‘problem-solve’. The aim must be to resolve a contested threshold at the earliest possible stage. This must always keep the safety and well-being of the person with care and support needs as the paramount consideration.

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| **Stage 1 -** Line Manager of practitioner/clinician generating the concern raises the issue directly with Service Manager - Older People and Physical Disability South. The Service Manger is responsible for adult safeguarding in WCC Social Care and Support and for managing Stage 1of the process. The two managers will seek to resolve the dispute at this stage. The possibility of the practitioner/clinician referring the person for a non-safeguarding adult social care assessment (community care assessment) may be considered, where appropriate, to progress the situation. |

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| **Stage 2 -** Status of concern remains disputed. Escalation to Head of Social Care and Support in the People Group, WCC and to relevant senior manager in referring practitioner/clinician organisation or WSAB member. |

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| **Stage 3 -** Final stage. WSAB member discusses with the Strategic Director of the People Group, WCC who will make the final decision. |

**Part 2: WSAB escalation process where there other agency concerns about case management**

**Key principle:** It is every professional’s responsibility to ‘problem-solve’. The aim must be to resolve concerns about case management at the earliest possible stage. This must always keep the safety and well-being of the person with care and support needs as the paramount consideration. The following process will apply in situations where a Social Care and Support Team raises concerns about case management in another agency.

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| **Stage 1 -** Social Care and Support practitioner raises concerns directly with the professional colleague concerned to seek a resolution. |

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| **Stage 2 -** Social Care and Support Operations Manager, or if deemed more appropriate Service Manager, raises matter with the designated or named safeguarding adults lead for the agency concerned. |

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| **Stage 3 -** Operations Manager notify their Service Manager who may discuss with the relevant agency’s representative on the WSAB. The Service Manager may contact the agency or service concerned if it is not represented on the WSAB. |