

SAFEGUARDING ADULT DECISION MAKING GUIDANCE

Derby Safeguarding Adults Board would like to thank Derbyshire Safeguarding Adults Board for permission to use and adapt their Decision-Making Guidance.

This practice guidance is intended as a tool to support agencies to decide about whether to make a referral to the Local Authority under the Safeguarding Adults Criteria set out by the Care Act (2014). The examples in this guidance are not exhaustive and it is expected that practitioners will use professional judgement when deciding whether to make a referral. In any circumstances where a practitioner is unsure, contact can be made with the Derby City Safeguarding Adults Team on 01332 642855 for professional advice (Monday-Friday 9am to 5pm).

All providers of adult social care or health care have a key role in safeguarding adults in their care, and all agencies have a duty to ensure adults with care and support needs are not placed at risk of abuse or neglect by delays in care and support planning. Employers must ensure that staff, including volunteers, are trained in recognising the signs and symptoms of abuse or neglect, how to respond, and where to go for advice and assistance.

Covid-19 Update

The Government recognises that safeguarding concerns and referrals may increase during the Covid-19 outbreak, with more people receiving support and support needs changing, which may prompt concerns. Local Authorities, social care providers, health providers, the voluntary sector and our communities must continue work to prevent and reduce the risk of harm to people with care and support needs, including those affected by Covid-19. Safeguarding is everyone's business, so it is important that we remain alert to possible abuse or neglect concerns.

The Coronavirus Act 2020 sets out how Local Authorities can use the new <u>Care Act Easements</u> during these unprecedented times. These easements will only be enacted in exceptional circumstances following careful consideration of all the relevant information and associated risks.

The Coronavirus Act 2020 does not affect the safeguarding protections in the Care Act, particularly at Section 42 of the Care Act. Safeguarding Adults remains a statutory duty of Local Authorities, in order to keep the most vulnerable people safe from abuse or neglect.

It is vital that Local Authorities continue to offer the same level of safeguarding oversight and application of Section 42. However, it is also important that the response to safeguarding referrals and subsequent actions are proportionate and mindful of the pressure social care providers are likely to be under.

The MCA and the related Deprivation of Liberty Safeguards (DoLS) have also not been altered by the Coronavirus Act 2020. <u>Guidance</u> is available from the Department of Health and Social Care (DHSC) on the practical issues affecting DoLS and looking after people who lack mental capacity to make decisions.

Additional guidance is available from the Department of Health and Social Care (DHSC) in the <u>Ethical Framework for Adult Social Care</u> provides support to ongoing response planning and decision-making to ensure that ample consideration is given to a core set of ethical values and principles when organising and delivering social care for adults, including for safeguarding.

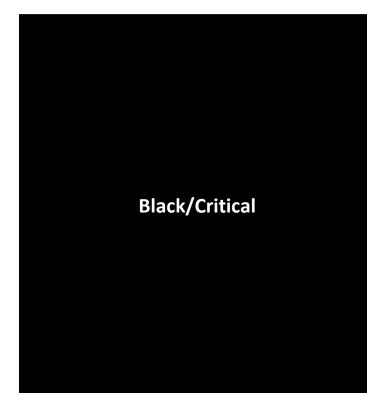
The table below identifies the level of concern where immediate action is required.

The examples are not exhaustive and as per previous guidance it is expected that practitioners will use professional judgement to inform decision-making

Guidance and Considerations

- Is there reasonable cause to suspect that the adult has needs for care and support? Remember that this includes people whose needs may not be being met by the Local Authority
- Can the adult protect themselves?
- Does the adult have the communication skills to raise an alert?
- Is the person dependent on the alleged perpetrator?
- Does the person lack mental capacity?
- Is what you are worried about simply an unwise decision, or is it a symptom of a more significant concern?
- Has the alleged victim been threatened or coerced into making decisions?
- Have there been an increase in incidents or issues, or a number of concerns accumulating to make this more worrying?

Please note that for residents of Derby City you will need to contact Safeguarding Adults Team on 01332 642855 or email AdultsMASH@derby.gov.uk.



Black/Critical Safeguarding Adult Concerns where there is a need for immediate action.

Example: You have been made aware of an individual with care and support needs who is being subject to significant abuse/neglect which is highly likely to cause risk to life and/or risk of life changing injury; there may be concerns regarding capacity and/or him/her being subject to controlling and coercive behaviour and therefore powerless to seek help. There is no agency visiting the property/the individual hasn't been seen by any professionals/third party for some considerable length of time and there's no identifiable, safe means of having some dialogue with the individual therefore no additional information can be gathered.

Further factors to consider:

- Risk to life, risk of significant life-changing injury.
- Significant sexual assault within the past week.
- Imminent Forced Marriage.
- Significant threats to wider public safety.
- Cases where an urgent application needs to be made to court.

If imminent risk to life, please contact Emergency Services in the first instance.

Type of abuse

GREEN Examples of lower level concerns

- May or may not meet S42 criteria.
- Outcomes may include providing advice and information.

AMBER Examples of Medium – Higher level concerns

• S42 criteria met.

RED Examples of Serious – Urgent level concerns

S42 criteria met.

Domestic Abuse

Type of abuse	Examples of Lower level concerns • May not meet S42 criteria. • Outcomes may include providing advice and information.	Examples of Medium – Higher level concerns • S42 criteria met.	Examples of Serious – Urgent level concerns (urgent Police response may be required) • S42 criteria met.
Domestic abuse	One off incident with no injury or harm experienced	Experiences constant fear of harm;Unexplained marks, bruises, hand	Threats to kill attempts to choke / strangulate
Refer to the Police, as appropriate.	 Victim reports no current concerns or fears Occasional taunts or verbal outbursts Occasional outbursts of verbal/physical abuse Able to make own decisions concerning aspects of daily living Protective factors in place 	 marks No access to medical care; Unable to access professionals for support, i.e., health care Accumulation of incidents and harassment No access to, or control over, finances Subject to stalking behaviour and / or harassment Subject to controlling behaviour Children in house – refer to Children's Services (rationale being they usually provide support whilst assessing the child) 	 Assault causing serious harm Use of objects as a weapon during an assault Subjected to frequent, or escalating, violent behaviour Sexual assault or rape Coercive control that results in harm – e.g. not taking prescribed medication for serious health conditions as a result of the alleged perpetrators beliefs Forced marriage So-called honour-based violence Use of a weapon; firearms, Knife etc

A Domestic Abuse Stalking and Harassment Risk Assessment (DASH) must be used to determine the level of risk in domestic abuse cases and a Multi-Agency Risk Assessment Conference (MARAC) referral made where appropriate.

Physical Abuse

	Examples of		Examples of
	Lower	Examples of	Serious – Urgent
Type of abuse	level concerns	Medium – Higher	level concerns
Type of abuse	 May not meet S42 criteria. Outcomes may include providing advice and information. 	level concernsS42 criteria met.	(urgent Police response may be required) • S42 criteria met.
Physical abuse	 An isolated incident between service users with no marks or bruising, and neither intimidated nor harmed Action could be care plans amended and risk assessments completed One-off staff error causing minor accidental injury, e.g., mark on skin after removing a dressing/pad Moving and handling procedures not followed on one occasion – no harm caused Adult missing one health check, or appointment (e.g., dental, optician), with no harm caused. Allegations of non-recent abuse with no current risk Actions could include further training for staff, increase supervision to prevent reoccurrence, information contracts and commissioning team and CQC, as appropriate 	 Any cumulative lower level concerns/incidents Inappropriate restraint Inexplicable marks, cuts, bruising, etc. A predictable and preventable incident between service users where injuries have been sustained and emotional distress caused Deliberate withholding of food, drink, care, aids to assist independence Moving and handling procedures disregarded, making injury likely to happen Adult missing one, or a number, of health checks or appointments (e.g., dental, optician) with potential for, or actual, harm being caused.) One-off delay in accessing medical treatment with potential for serious harm 	 Inexplicable injuries/fractures Assault Assault leading to permanent or substantial injury, or death Physical abuse perpetrated by someone in a position of trust Incidents of harm are reoccurring, despite being predictable by staff, or the injuries are more serious Female Genital Mutilation (FGM); Systematic failures in the provision of services Recurrent incidents of serious physical harm Physical abuse perpetrated by someone in a position of trust

Physical Abuse arising from medication errors

	Examples of		Examples of
	Lower	Examples of	Serious – Urgent
Type of abuse	level concerns	Medium – Higher	level concerns
Type of abuse	May not meet S42 criteria.	level concerns	(urgent Police response may be
	Outcomes may include providing	S42 criteria met.	required)
	advice and information.		S42 criteria met.
Physical abuse	Adult does not receive prescribed	Any cumulative lower level concerns	Deliberate misadministration of
arising from	medication on one occasion, or	that affect one or more individual,	medication, with serious harm
	receives it at the wrong time or	which could result in potential or	caused
medication errors	receives the wrong dose – no harm	actual harm	Deliberate falsification of records
	occurs	Misuse of controlled drugs, or not	
	One-off prescribing or dispensing	following proper procedures	
	error by a GP, Pharmacist, or other	Misuse, or over reliance on,	
	medical professional with no harm caused	sedatives to control all forms of challenging behaviour	
	One-off delay in receiving	Recurring prescribing or dispensing	
	medication, or medication error,	errors by a GP, Pharmacist, or other	
	resulting in experience of minor	medical professional, that affects	
	reversible symptoms (e.g., pain not	more than one adult	
	affecting participation in activities)	Any deliberate misadministration of	
	Actions could include contacting	medication, regardless of the level	
	the Pharmacist, GP or 111 to	of harm caused	
	discuss and confirm any further	Pattern of recurring errors	
	action required	Covert administration of medication	
	Further training for staff	without medical/MDT authorisation	
	Informing contracts and	/ best interest decision recorded	
	commissioning teams and CQC as		
	appropriate		

Sexual Abuse

Type of abuse	Examples of Lower level concerns • May not meet S42 criteria. • Outcomes may include providing advice and information.	Examples of Medium – Higher level concerns • S42 criteria met.	Examples of Serious – Urgent level concerns (urgent Police response may be required) • S42 criteria met.
Sexual ALL REFERRALS SHOULD BE DISCUSSED WITH THE POLICE, AS APPROPRIATE.	Isolated incident, comment, teasing or non-sexualised touching, (excluding genitalia) with no distress caused unless committed by a person in a position of trust (PIPOT) Consider mental capacity_and insight—no perceived sense of harm and the effect on the adult is low Actions could include, review and amendment of care plans and risk assessments, and ensuring staff are suitably trained and competent. For concerns within Derby City, please contact the MASH Team: 01332 642855	 Repeated incidents of comments, teasing, unwanted sexualised attention (verbal), whether or not mental capacity, exists which causes distress Being exposed to naked genitalia without valid consent Being made to view pornographic material without valid consent 	 Sex, or attempted sex, without valid consent (rape) Sexualised touching, or masturbation, without valid consent Attempted penetration by any means without valid consent Sexual exploitation, including grooming, or coercion Any sexual activity (sex, touching, masturbation, sexual assault and exploitation) by a person in a position of trust (PIPOT) or paid carer, with their client For concerns within Derby City, please contact the MASH Team: 01332 642855

Psychological and Emotional

Type of abuse	Examples of Lower level concerns May not meet S42 criteria. Outcomes may include providing advice and information.	Examples of Medium – Higher level concerns • S42 criteria met.	Examples of Serious – Urgent level concerns (urgent Police response may be required) • S42 criteria met.
Psychological and emotional	 Isolated incident where an adult is spoken to in a rude or inappropriate way – little or no distress caused Isolated incident of ASB (anti-social behaviour) against an adult Allegations of non-recent abuse where there is no current risk Actions could include sharing information with Safer Neighbourhood teams Ensure the adult with care and support needs and staff understand relationship boundaries and what is appropriate behaviour Risk management assessments/processes are reviewed Consider further training needs 	 On-going reports of ASB (anti-social behaviour) Prolonged intimidation, coercion, and victimisation, which impacts on the person's ability to make choice Threats to cause physical harm Occasional or on-going bullying (face-to-face or online), which causes distress or intimidation Verbal abuse perceived as hate crime (face-to-face or online) Abuse designed to cause humiliation Emotional blackmail, including threats of abandonment Concerns that an adult is vulnerable to radicalisation Denying an adult's choice and opinion 	 A denial of basic human rights and civil liberties, such as denying an adult's choice, or over-riding advanced directives Suicidal thoughts/ideation as a result of psychological/emotional abuse Threats or intimidation by a person in a position of trust (PIPOT)

Type of abuse	Examples of Lower level concerns May not meet S42 criteria. Outcomes may include providing advice and information.	Examples of Medium – Higher level concerns • S42 criteria met.	Examples of Serious – Urgent level concerns (urgent Police response may be required) • S42 criteria met.
Psychological and emotional (continued)		 Treatment or care which undermines dignity and self-esteem Threats relating to sexual identity or lifestyle choice Damage to property, environment, abuse of pets 	

Neglect and acts of omission

Type of abuse	Examples of Lower level concerns • May not meet S42 criteria. • Outcomes may include providing advice and information.	Examples of Medium – Higher level concerns • S42 criteria met.	Examples of Serious – Urgent level concerns (urgent Police response may be required) • S42 criteria met.
Neglect and acts of omission (including falls)	 Adult not assisted with a drink or a meal on one occasion – no harm occurs An unplanned hospital discharge, where there has been no harm An isolated domiciliary care call is delayed or missed, but no harm occurs A fall occurs where there has been no previous indication of a falls risk – action taken to reduce further risk Fall results in an injury, but risk assessments and care plans are in place and have been followed 	 Failure or delay in scheduled domiciliary care visits, which results in a deterioration of health, pain or significant discomfort Adult known to mental health (or other services) reporting suicidal ideation or assessed as a risk of suicide – timely response not made, or information shared resulting in harm Repeated or serious incidents of harm or abuse as a result of systematic failures to prevent harm from occurring. Also, a failure to seek appropriate advice and support, follow care plans, or complete risk assessments Care plan does not identify how a need will be met, e.g., pain management, pressure care, behaviour that challenges, resulting in potential harm 	 There is a clear breach of 'duty of care' and professional practice/responsibility Hospital discharge without adequate planning resulting in significant harm Failure or delay in scheduled domiciliary care visits, which results in serious injury Repeated or serious incidents of harm resulting from a failure to follow procedures or to ensure care plans adequately addressing needs Failing to call for or access lifesaving medical care Deliberate neglect or omission of care by a paid carer or person in a position of trust (PIPOT)

Type of abuse	Examples of Lower level concerns May not meet \$42 criteria. Outcomes may include providing advice and information.	Examples of Medium – Higher level concerns • S42 criteria met.	Examples of Serious – Urgent level concerns (urgent Police response may be required) • S42 criteria met.
Neglect and acts of omission (including falls) (continued)		 Any cumulative lower-level concerns/incidents Removal of or withholding access to aids to assist independence Adult has a number of falls and there is no evidence of a review of care plans, risk assessments or seeking other appropriate advice Delay in seeking appropriate medical advice, or failure to follow medical guidance resulting in harm (including physical and mental ill- health) Failure to respond or intervene where an adult lacks capacity to assess risk 	

Discrimination

Type of abuse	Examples of Lower level concerns • May not meet S42 criteria. • Outcomes may include providing advice and information.	Examples of Medium – Higher level concerns • S42 criteria met.	Examples of Serious – Urgent level concerns (urgent Police response may be required) • S42 criteria met.
Discrimination	 Isolated incident or teasing, rude behaviour motivated by prejudicial attitudes – little or no harm, or distress caused Care planning where specific diversity needs are not addressed or provided for in an isolated incident Actions could include further training, disciplinary, complaints procedures being used. 	 Consider cumulative lower-level concerns On-going failure to access services due to diversity issues Experience of on-going ASB (antisocial behaviour) due to diversity issues Actions could include further training, disciplinary, complaints procedures Hate crime_— infrequent, but recurrent incidents motivated by prejudice based on disability, race, religion, sexuality, gender identity, age, which results in intimidation, emotional distress, loss of confidence and dignity On-going failure to support the adult to access places of worship which causes distress or harm. 	 Hate crime – serious or recurrent incidents motivated by prejudice based on disability, race, religion, sexuality, gender identity, age resulting in harm or impacting on wellbeing The above could include: humiliation on a regular basis, discriminatory threats of harm and withholding services Honour-based violence Potential risk to self and public safety due to a risk of radicalisation Female Genital Mutilation (FGM)

Financial Abuse

Type of abuse	Examples of Lower level concerns May not meet \$42 criteria. Outcomes may include providing advice and information.	Examples of Medium – Higher level concerns • S42 criteria met.	Examples of Serious – Urgent level concerns (urgent Police response may be required) • S42 criteria met.
Financial For all safeguarding referrals regarding a person in a position of trust, consideration should be given to consultation with the Police. See PIPOT guidance for Derby City, contact the MASH Teams 01332 642855	Le Icolated incident at statt taking the	 Fraud, exploitation, of benefits, income, property, will Misuse of Lasting Power of Attorney Doorstep crime and loan sharks 	 Theft by a person in a position of trust Adult denied any access to their finances Modern slavery

Type of abuse	Examples of Lower level concerns May not meet \$42 criteria. Outcomes may include providing advice and information.	Examples of Medium – Higher level concerns • S42 criteria met.	Examples of Serious – Urgent level concerns (urgent Police response may be required) • S42 criteria met.
Financial Abuse (continued)	 Actions not taken in the adult's best interests where they lack mental capacity to make financial decisions Adult not routinely involved in decisions about their finances – how it is spent or kept safe Failure to meet agreed contributions to care costs by families, or personal allowance not given to adult in care home Money kept in a joint bank account with no clarity of management or equity of access Failure to assess mental capacity where it is suspected, or clear that it is in question, and harm is caused, e.g., exploitation, financial abuse, debt 		

Institutional and Organisational

Type of abuse	Examples of Lower level concerns • May not meet S42 criteria. • Outcomes may include providing advice and information.	Examples of Medium – Higher level concerns • S42 criteria met.	Examples of Serious – Urgent level concerns (urgent Police response may be required) • S42 criteria met.
Institutional and Organisational These lists are not exhaustive, and reference should be made to other categories within this document.	 Care planning documents are not person-centred and of sufficient detail to ensure appropriate care is provided One-off occasion of support levels as identified in the care plan, e.g., 1:1/2:1, are not adhered to, and no harm is reported to have occurred Lack of opportunity for social and leisure activities and/or a general lack of age-appropriate stimulation; No 'voice' for the adult with care and support needs within their living environment/advocacy not sought where appropriate Medication errors which affect one or more adult, which has not resulted in harm 	 On-going concerns about living environment/poor hygiene Inappropriate restraint and possible deprivation of liberty is occurring, and no application for Deprivation of Liberty Safeguards (DoLS) considered or made, and best interest is assumed or has been ignored Accumulation of concerns/minor incidents Support levels as identified in the care plan, e.g., 1:1/2:1 not adhered to, and harm occurs, or are repeated incidents (with no harm) Hospital discharge without adequate care planning/consideration by the care provider of a change in need and harm occurs Unsafe staffing levels 	 Unsafe and unhygienic living environment Excessive or inappropriate responses to challenging behaviour Over-medicating to manage behaviour; inappropriate sedation. Essential medication not administered; withholding of medication Misuse of power by a person in a position of trust A person in a position of trust entering into an intimate relationship with an adult with care and support needs

Type of abuse	Examples of Lower level concerns May not meet S42 criteria. Outcomes may include providing advice and information.	Examples of Medium – Higher level concerns • S42 criteria met.	Examples of Serious – Urgent level concerns (urgent Police response may be required) • S42 criteria met.
Institutional and Organisational (continued)	 Absence of, or inadequate policies, procedures, supervision, training – no harm occurs Minor environmental concerns Lack of dignity in respect of choice of clothing; how and when personal care support is received; set times for getting up/going to bed; lack of choice about dietary preferences Actions could include a review of care plans, engagement with DCC and CCG contract, commissioning and quality teams. Engagement with agencies such as Environmental Health, DCHS/CCG safeguarding leads, Fire Service 	 Inflexible routines which impact on health and wellbeing, practice, policies and procedures of an organisation which result in harm or denial of choice; Covert administration of medication without consideration of ethical or best interest issues, or medical authorisation 	 Failure to provide ongoing access to health care/appointments An accumulation of evidence of a failure to keep people safe/consistent ill treatment/pattern of recurring errors Unsafe staffing levels resulting in significant harm or ability to provide identified levels of care and support

Self-Neglect

Type of abuse	Examples of Lower level concerns May not meet S42 criteria. Outcomes may include providing advice and information.	Examples of Medium – Higher level concerns • S42 criteria met.	Examples of Serious – Urgent level concerns (urgent Police response may be required) • S42 criteria met.
Self-neglect All standard interventions must be considered/used to support the adult and manage risk before a safeguarding referral is made, e.g., review of care plan, assessment of social care needs, engagement with fire, environmental health. Only cases where there is a significant risk of harm should be referred to safeguarding.	 Signs of failing to engage with professionals and withdraw from family/support mechanisms Self-care and presentation causing some concern, and which is out of character Lack of self-care and engagement with health appointments, resulting in deterioration of health and wellbeing Increased substance misuse causing lifestyle to become consistently chaotic with an increased risk of harm or exploitation Increased reports of concerns from agencies or family Some neglect of property and/or signs of hoarding 	 Chaotic lifestyle which is becoming increasingly concerning for professionals, family, or community Property neglected, unsanitary conditions, lack of essential amenities, increased risks due to level of hoarding 	 Behaviour poses a significant risk to self, or others Self-neglect has resulted in a significant deterioration of health and wellbeing Living environment is hazardous, presenting a significant risk to self and others, or access to property restricted due to hoarding or neglect of property Multiple reports of concern by other agencies, family or community Potential fire risks to self and others Consistently chaotic lifestyle due to substance abuse causing harm to self and others

Modern Slavery

Type of abuse	Examples of Lower level concerns • May not meet S42 criteria. • Outcomes may include providing advice and information.	Examples of Medium – Higher level concerns • S42 criteria met.	Examples of Serious – Urgent level concerns (urgent Police response may be required) • S42 criteria met.
Modern Slavery All referrals concerning modern slavery should be considered at 'Medium-Higher', or 'Serious-Urgent' levels	All referrals concerning modern slavery should be considered at 'Medium-Higher', or 'Serious-Urgent' levels	 Adults coerced, often under the threat of violence, to work long hours, or forced into prostitution, in order to pay off debts to them A large number of adults sharing a room or property resulting in lack of dignity, space and unsanitary conditions Domestic servitude – adults forced to work with little or no pay, limited or no time off, and lack of personal space to live or sleep Working in environments and receiving low or no pay as a result of coercion and threats of violence to them and their family – e.g., food packaging, cleaning, hospitality sector, food picking, nail bars, car washes Adults in fear of providing personal information or seeking 	 Adults subject by another to threats of, or actual, violence to them and their families if they do not work as directed Adults forced to perform nonconsensual or abusive sexual acts for money Adults moved frequently to other locations around an area or the country Adults coerced into criminal activity against their will Adults in domestic settings forced to work with little or no pay, limited or no time off, and lack of personal space Adults forced to live in sheds, garages, containers, caravans without access to essential

Type of abuse	Examples of Lower level concerns • May not meet S42 criteria. • Outcomes may include providing advice and information.	Examples of Medium – Higher level concerns • S42 criteria met.	Examples of Serious – Urgent level concerns (urgent Police response may be required) • S42 criteria met.
Modern Slavery (continued)		medical/social care support due to threats.	 amenities such has heat, light, food Adults unable to have the freedom, or choice, to leave because their passport or ID has been removed by non-legal means Subject to forced marriage No access to medical care Modern slavery concerns

If you are worried about an adult with care and support needs, don't stay silent. To do nothing is not an option. Decisions made by the safeguarding adult team will be made based on the information available at the time. Phone the Safeguarding Adults Team on 01332 642855 or email AdultsMASH@derby.gov.uk or complete a secure electronic safeguarding referral form.

In an emergency always contact the relevant emergency service by dialling 999. If it is not an emergency but is a police matter dial 101.