




Cheshire East Safeguarding Adults Board

Multi-agency guidance for care providers undertaking an internal safeguarding enquiry

This guidance is useful for both social workers and care providers and is also relevant to other partners undertaking enquiries.

Approved by(Name/Role)	Jill Broomhall, Director of Adult Social Care
Signed	
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When is it appropriate for care providers (or partners) to complete a safeguarding enquiry?

In line with the Care Act 2014, the local authority is required to act as the lead agency in all allegations of abuse against adults at risk. This means that the local authority conducts enquiries or can cause others to do so, dependent on who is the most appropriate to undertake the enquiry. An enquiry should establish whether any action needs to be taken to prevent or stop abuse or neglect and if so, by whom. The nature and the timing of the intervention and who is best placed to lead will be, in part, determined by the circumstances.

Whenever a care provider (or a partner agency), is requested to undertake an internal safeguarding enquiry it is with the understanding that all findings will be shared with the local authority. The Care Act 2014 states that service providers 'need to share information with relevant partners such as the local authority even where they are taking action themselves'. If there is reticence from providers or partners to share information, the local authority will refer this matter to the Cheshire East Adults Safeguarding Board, who will decide on a course of action including if the concern warrants a request, under Section 45 of the Care Act 2014 for the 'supply of information'.

If a care provider (or partner agency) is asked to undertake an internal safeguarding enquiry, they will be provided with the name of a Lead Social Worker/Manager with whom to correspond. The local authority will then review the internal safeguarding enquiry report as soon as possible and make a determination as to whether it is satisfactory to ensure appropriate learning has taken place and action is taken to ensure a similar incident does not happen again.

Where an internal safeguarding enquiry is found to be unsatisfactory the local authority may request the investigator to make further enquiries or seek an alternative, more robust method of enquiry. The local authority must satisfy itself that an employer's response has been sufficient to deal with the safeguarding issue and if not to undertake any enquiry of its own and any appropriate follow up action. This is because the local authority in its lead role, should assure itself that the enquiry satisfies its duty under s42 and thus is able to challenge the body making the enquiry if it considers that the process and/or outcome is unsatisfactory.

The local authority delegates responsibility to external providers on the premise that they have a duty to protect vulnerable people in their care

and to satisfactorily investigate any instances of abuse that may occur within their service, 'The employer should investigate any concern unless there is compelling reason why it is inappropriate or unsafe to do this' (Care Act 2014 Statutory Guidance: para 14.70). Such a process also complies with the Care Quality Commission's fundamental standard in safeguarding which requires care providers to identify and respond effectively to abuse in their establishments, investigating allegations of abuse and learning from events/acting on recommendations.

The decision to request that a care provider or partner conducts an internal safeguarding enquiry into their own service will be a decision made during a planning meeting/ discussion which is held within the front-line team. It is essential therefore that all concerns of abuse are reported to the local authority and only action that is essential to ensure the immediate safety of service users takes place prior to this discussion.

Notes on completing an enquiry:

The local authority will provide the enquiry lead with their terms of reference (Appendix one) and this will help to limit the enquiry to the specific concern rather than extending the scope of the safeguarding enquiry too far. The scope of the enquiry must focus on improving the adult's well-being and work together to that shared aim.

Objectives of the enquiry into abuse or neglect are to:

- Establish facts;
- Ascertain the adult's wishes and views;
- Assess the needs of the adult for protection, support and redress and how they might be met;
- Protect the adult from abuse and neglect, in accordance with their wishes;
- Make decisions as to what follow up action should be taken with regard to the person/organisation responsible for the abuse/neglect;
- Enable the adult to achieve resolution and recovery.

The adult at risk, where possible, must be kept at the centre of the safeguarding at all times and the enquiry lead must ascertain the extent to which the adult's outcomes have been achieved and any recommendations they may have from the enquiry. The safeguarding enquiry should be conducted by a senior member of staff. In their

enquiry summary, they must reach a conclusion which will reflect their findings and list remedial actions taken. In some instances, the author may find it difficult to make any findings due to a lack of available evidence. In such cases it is advisable to discuss with the lead Social Worker.

Remember that it is not necessary to prove beyond reasonable doubt that an incident of abuse has occurred, but rather consideration as to whether, on the balance of probabilities, the evidence suggests one conclusion or another.

The findings of the enquiry may well feed into a disciplinary process or be included as part of a Disclosure and Barring Service (DBS) referral so it is important that a full explanation is given as to why each conclusion was reached.

- Enquiries should be completed within the timescales given by the local authority
- All reports should be sent using secure email
- Send completed reports to Lead Social Worker
- The local authority will review and respond as soon as possible.

See links for further guidance:

<https://www.gov.uk/government/publications/care-act-statutory-guidance/care-and-support-statutory-guidance#safeguarding-1>

<http://www.skillsforcare.org.uk/Documents/Topics/Safeguarding/A-guide-to-adult-safeguarding-for-social-care-providers.pdf>

<https://www.nice.org.uk/guidance/ng189>

ENQUIRY LEAD REPORT

Text in italics is for guidance only; please remove when preparing your report. (The report may contain sensitive and confidential information relating to third parties and thus, it may not be possible to share with adult at risk or others).

NAME OF ADULT AT RISK:

D.O.B:

LAS ID:

NAME OF ALLEGED PERPETRATOR:

D.O.B:

LAS ID:

LEAD ENQUIRY(S) NAME, TITLE, ORGANISATION AND CONTACT DETAILS:

please indicate Enquiry Lead and if the LA caused another organisation to make the enquiry, please record this and reason.

BRIEF PEN PICTURE OF ADULT AT RISK, THEIR SUPPORT NEEDS AND CURRENT LIVING ARRANGEMENTS:

Include details of others involved in care and support/Nearest Relative/LPA

DETAILS OF THE SAFEGUARDING CONCERN:

Include location of abuse, together with the categories of abuse, as you will be required to have an outcome for each category of abuse. Include any relevant fact finding and back ground information, detailing if any previous allegations or patterns of abuse/quality in care concerns. Identify any areas of discrimination.

ADULT AT RISK DESIRED OUTCOMES & MENTAL CAPACITY:

The desired outcomes identified by the adult at risk are paramount. Occasionally you may have to negotiate outcomes if original desired outcomes are unrealistic. Are there concerns about the person's mental capacity (or do they have substantial difficulty) to express their views and wishes and make decisions around risks? Is a formal assessment required? Do they require an IMCA/Independent Advocate? Do decisions need to be based on best interests? Have previous wishes, values and beliefs been considered? Relevant people consulted?

THE ENQUIRY:

Please detail the type/s of enquiry-

If completed by another agency, please attach their report (or can use this template) or detail their findings in this section.

Other investigations could be e.g. police investigation, OPG investigation, an SUI, or a combination of investigations. Explain type of enquiry being undertaken, include reasons for decisions which were made and how these were set out to meet the desired outcomes of the adult at risk.

Chronology (enquiry activities)

Detail dates and times and a general description of each activity e.g. any meetings, interviews, expert opinions sought, paperwork checked, staff rotas, care plans, meetings with service user. This chronology should include everything you have undertaken as part of your enquiry.

Findings

Detail the body of your enquiry, e.g. Summaries of the service user account, witness interviews, professional views, interview/s with the person causing harm. Your findings from documents such as care plans, risk assessments, medical files, policies/procedures and any other records relevant to the enquiry. Highlight inconsistencies or patterns, and ensure you clearly indicate fact from opinion. Any opinion expressed should be referenced as such. Make clear where evidence from different sources is contradictory.

Include the extent and severity of abuse, the impact that it has had on the service user and/others and the intent of the alleged perpetrator if known.

Recommended Conclusion

This is the outcome of the enquiry. In summary clear statements should be made, on the balance of probabilities, as to whether the allegations are unsubstantiated, inconclusive, partly or fully substantiated. The outcome, for each category of abuse, should be based on the enquiry lead's professional judgment.

Please detail what evidence and reasoning you have used to support agreed outcome, ensuring that you have linked your conclusion to your findings. Also detail any information that you were denied access to or unable to obtain, the reasons for this and any judgement that you have made regarding any lack of evidence.

RECOMMENDATIONS ABOUT FUTURE ACTION

Please detail all recommendations here e.g. disciplinary actions, referral to professional body, referral to police, training, monitoring, support planning etc. Ensure that the recommendations are based on the analysis of evidence obtained and help with supporting change. Are they addressing the correct areas and at the right level, for recommendations not related to the protection plan? How will these be monitored and by who?

Please include how recommendations meet the outcomes identified by the adult at risk and any recommendations they have made. If the alleged perpetrator is also an adult at risk or carer include any identified need for support; this may include risk assessment, carer's assessment etc. N.B if any safeguarding issues come to light during the course of the investigation they are to be raised as a safeguarding referral in the usual way and consider the need for large scale investigation if appropriate.

VIEWS AND WISHES OF ADULT AT RISK

Ensure that you have spoken to the adult at risk about your report and have gained their views on the content of the report and your conclusion; ensure that you keep within the boundaries of data protection when discussing this report. Record if they agree with the report or have a dissenting view. The emphasis of the enquiry is to contribute to and improve wellbeing as defined by the adult at risk. Include wishes and views of others if relevant and appropriate.

OTHER RELEVANT INFORMATION (including lessons learned)

Report Author Signed: *This is the report author(s). All enquiry/investigation reports must be counter signed by the Enquiry Lead(s) Line Manager.*

Date

Line Manager signed:
Manager should check that all enquiry activities have been undertaken as planned, that recommendations are based on the analysis of evidence obtained and the report is robust.

Date

S.42 Safeguarding Enquiry Request for Information

The Care Act 2014 places a duty on Local Authorities to make enquiries, or cause others to do so, if they reasonably suspect an adult, who has needs for care and support is, or is at risk of, being abused or neglected and as a result of those care and support needs is unable to protect themselves from either the risk of, or the experience of abuse or neglect (the S.42 criteria).

The purpose of the enquiry is to decide whether or not the local authority or another organisation, or person, should do something to help and protect the adult. If the local authority decides that another organisation should make the enquiry, for example a care provider, then the local authority should be clear about timescales, the need to know the outcomes of the enquiry and what action will follow if this is not done ([Care and support Statutory Guidance - 14.78](#)).

Cheshire East Council has received a safeguarding referral and are conducting a safeguarding enquiry pursuant to Section 42 of the Care Act 2014 and request information as follows:

Date:	
Adult at Risk:	
D.O.B:	
Liquid Logic Reference:	
Request to:	
Safeguarding Concern	
Safeguarding Enquiry Terms of Reference	
Triaging Social Worker:	
Discussed and agreed with: (organisation representative)	
Return Date:	
Return information to:	

Note on safeguarding and information sharing:

You are referred to the principles of information sharing for the purposes of safeguarding in the Data Protection Act 2018, the General Data Protection Regulation (GDPR), the Human Rights Act 1998 and the Crime and Disorder Act 1998. Section 6 of the Care Act 2014 places duties on the Council and its partners to cooperate in the exercise of their functions to protect adults.

If it is decided that the requested information or some of the information cannot be disclosed to the Council, in your response, please explain on what legal basis you rely upon.

Please be aware that if there is reluctance from one partner to share information in safeguarding, the matter may be referred to the Adults Safeguarding Board to consider whether a request for the supply of information should be requested pursuant to Section 45 of the Care Act.