



Out-of-Area Safeguarding Adults Arrangements

Guidance for Safeguarding Adults placed into North Wales Enquiry and Protection Arrangements

North Wales Multi Agency Protocol	
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1.0. Introduction

1.1. Purpose

- 1.2. This document aims to complement existing statutory guidance and local policy and procedures by providing additional guidance in responding to safeguarding concerns which involve cross-boundary considerations. NWSAB members recognise the increased safeguarding risk and complexity associated with adults whose care and support arrangements cross local authority boundaries. These may arise where funding/commissioning responsibility for an adult lies with an authority in one area and where concerns about potential abuse and/or exploitation arise in another area.
- 1.3. The Social Services and Wellbeing Act 2014 came into force in April 2016, for the first time placing safeguarding adults on a statutory footing and bringing a range of new duties and responsibilities for how local authorities and other parts of the system should protect adults at risk of abuse or neglect. One of the most important principles of safeguarding is that it is everyone's responsibility. Each professional and organisation must do everything they can, to ensure that adults at risk are protected from abuse. These duties include: a responsibility to ensure enquiries are made where safeguarding criteria are met; the duty to establish Regional Safeguarding Adults Boards; a requirement to conduct Safeguarding Adult Reviews; information sharing duties and the duty to cooperate; and care providers' duty of candour.
- 1.4. This guidance for inter-authority working on safeguarding enquiries has been revised and updated to reflect the new Social Services and Wellbeing Act duties, the accompanying statutory guidance and the ethos and best practice standards of personal centred practice.
- 1.5. **Host Authority** – The Local Authority in the area where the alleged abuse occurred, and which therefore has the S126 duty to make enquiries or cause them to be made (whether or not the host authority is commissioning care and support services for the adult).
- 1.6. **Placing Authority** – The Local Authority or NHS Body that is responsible for commissioning care and support services for an individual involved in a safeguarding adults enquiry.
- 1.7. There may be situations where an adult experiences abuse while being in another area in the very short term, for example they are a victim of abuse on a street in a neighbouring authority, or the incident occurred while on a day trip or holiday. It is recognised that the statutory duty remains with the host authority where the alleged abuse took place. However in these circumstances discussions should take place between the funding or responsible authority and the authority where the incident took place to determine who is most appropriate to undertake the safeguarding enquiry.
- 1.8. It is essential to ensure that the person remains at the centre of the enquiry, that there is effective liaison with all agencies involved including for example police or health organisations and that timely agreement is reached on the conduct of the enquiry.
- 1.9. Where an individual is a self-funder, and there is no placing authority involved in commissioning care and support services, the host authority has the S126 enquiry duty regardless of the originating area of the adult. The host local authority may need to consult

clinicians or other services from the area a person originates from, if there has been historic involvement that may be relevant.

- 1.10. This guidance aims to clarify both strategic and operational responsibilities and actions to be taken by host authorities and placing authorities with respect to safeguarding enquiries involving people who live in one area, but for whom commissioning responsibility remains with the area from which they originated, or where a person has experienced abuse in an area other than where they normally reside.
- 1.11. It can be particularly complex and demanding for a host authority to manage an organisational safeguarding adult's enquiry of a care provider when there are many different placing authorities involved. This can include both social care and health commissioners

2.0. Key Principles

- 2.1. Safeguarding Regulations states that the scope of an enquiry, who leads it and its nature, and how long it takes, will depend on the particular circumstances. It also states that everyone involved must focus on improving the adult's wellbeing and work together to that shared aim. Clarity about the responsibilities of host and placing authorities at the outset of the enquiry is essential to ensure the person's wellbeing and desired outcomes remain paramount. Negotiation at an early stage should enable clarity of roles and expectations, allow any issues to be addressed, agree timescales to mitigate drift in undertaking the enquiry, and agree who is best placed to undertake this, taking account of geographical distance.
- 2.2. The host authority, in holding the Section 126 SSWBA Act enquiry duty, will have overall responsibility for ensuring there is good communication with all stakeholders, especially with regards to the scheduling of meetings and the planning of the enquiry. Where distance is an issue and might hold up required meetings, the use of technology such as teleconferencing, skype and video links should be considered to reduce delays.
- 2.3. Where there is a placing authority involved in commissioning a service, that authority will contribute to the enquiry as required, and maintain overall responsibility for the person they have placed, including needs assessment and care and support planning.
- 2.4. The placing authority should ensure, through contracting arrangements and in service specifications, that the provider has arrangements in place for safeguarding adults at risk of abuse or neglect and for managing concerns in accordance with National Protection procedures.
- 2.5. It may be necessary for a host authority to take urgent action to safeguard an individual. During the course of an enquiry, host and placing authorities may agree that local services may be best placed to meet needs arising from the enquiry. Placing authorities and the host authority may need to negotiate flexible arrangements, to enable the most appropriate response to ensure the wellbeing of the adult.
- 2.6. In the case of an urgent response being required, the wellbeing of the person being safeguarded remains paramount and a host authority may have to take action on behalf of the placing authority. In such cases, the host authority should ensure the placing authority is informed and involved in discussions about the response as early as possible. The host authority may incur costs which it believes are ultimately the responsibility of the placing authority. Where possible, the placing authority should be given the opportunity to agree the costs involved, but it should be recognised that this may not always be possible. In such

cases, the host authority should keep costs to a minimum, and negotiations over costs may need to happen retrospectively.

- 2.7. Providers of care and support services have rights and responsibilities, and may be required to undertake an enquiry. The provider may have duties as an employer and service provider, where there are poor practices or disciplinary issues to be addressed. The host authority must ensure effective and timely communication with the provider of care throughout the enquiry, ensuring throughout that information sharing is person-led and outcome-focused. An open culture around safeguarding should be encouraged, working in partnership with the provider to ensure the best outcome for the adult. This includes the requirement for the care provider to inform the host authority of the names of adults affected by the safeguarding concerns, including people who may be funding their own care, and also where relevant, the placing authority for each person.
- 2.8. Under Part 10 Code of Practice Advocacy of the SSWBA Act 2014, relevant local authorities may need to arrange independent advocacy for adults, if required. The host authority will be responsible for ensuring that the views and wishes of the adult are sought as early as possible, and where there is a requirement for independent advocacy to be arranged, the host and placing authorities should liaise as early as possible on how this should be achieved for each adult.
- 2.9. If an Adults Practice Review is being considered the Regional North Wales Safeguarding will be responsible for liaising with all those involved, including the SAB in any placing authorities. The relevant Board Managers and Independent Chairs should agree how the Adult Practice Review will be undertaken. Boards and organisations should cooperate across borders and requests for the provision of information should be responded to as a priority. If agreement cannot be reached on the requirement for an APR to be undertaken then this will be resolved in the first instance by the relevant Board Managers, with ultimate decision making and discussion being resolved by the Independent Chair of the Safeguarding Adult Board. Independent Chairs will agree on the mechanisms for presenting APRs that have cross border learning.
- 2.10. The following sections describe the respective roles of the host authority, placing authority and service provider at each stage of the safeguarding process from raising a safeguarding concern, through undertaking the safeguarding enquiry, achieving an outcome for the person and ongoing responsibilities for safeguarding planning and review

3.0. **Safeguarding Concerns**

3.1. **Host Authority**

- 3.2. A safeguarding concern could be raised in the first instance with either a host authority or a placing authority. Where the concern is first raised with the host authority they must always seek to inform all involved placing authorities as soon as possible of any allegations involving one or more of their service users as either a person who has experienced the alleged abuse or a person who has caused the alleged abuse.
- 3.3. Once a safeguarding concern has been raised with the host authority, it is the host authority's responsibility to lead the initial response to the concern in consultation with the placing authority. In some circumstances it may be necessary for the host authority to take immediate action to protect the adult, for example, by contacting the police or other emergency services.

In liaison with the placing authority the host authority will seek, where appropriate, medical assessment of any injuries/concerns.

- 3.4. The host authority will coordinate the enquiry in line with the Handling Individual Cases Guidance principles, gather information regarding the concern, including information which may be held by other agencies, for example police, CIW or health agencies in relation to the provider and/or people involved, ensuring prompt notification to the placing authority and other relevant agencies.
- 3.5. The host authority will allocate a suitably qualified worker to act as the named lead coordinator with overall responsibility for the enquiry.

3.6. Placing authority

3.7. When the placing authority is notified of a safeguarding concern they will:

- Ensure immediately that the host authority has been made aware
- Check whether care and support arrangement continues to meet need
- if necessary, seek an alternative placement, whilst ensuring that the current provider has made adequate provision for the immediate protection and meeting of the person's care needs until the move occurs, liaising with the host authority where appropriate
- Provide all relevant information to the host authority's named lead coordinator
- Consideration of advocacy

3.8. Service provider

- 3.9. Providers have a duty to inform the regulator of any safeguarding concerns that arise for any adults using their services
- 3.10. All safeguarding concerns should be raised with the host local authority, in line with multi-agency procedures, regardless of who is believed to be a source of risk. When raising a concern, the provider should give clear contact details, and information on what has been done to date to safeguard any adults at risk. This will support the local authority in their duty to make enquiries or cause enquiries to be made.

4.0. Undertaking safeguarding enquiries

4.1. Host authority

- 4.2. It is the host authority's responsibility to ensure that the Section 126 enquiry is conducted in accordance with the national decision making processes contained within the adult safeguarding procedures. This may involve arranging a planning discussion or meeting and ensuring all appropriate placing authorities and other relevant local agencies are invited to contribute. The named lead practitioner should liaise with all placing authorities regarding the planning arrangements to facilitate maximum contribution.
- 4.3. A multi-agency planning discussion may require involvement from the relevant NHS body, the Police and CIW. The named lead practitioner will endeavour to ensure that all agencies are working together effectively, taking account of Handling Individual Cases principles, and may chair planning discussions or meetings where required. They will invite the placing authority to participate in the planning arrangements, with the expectation that placing authorities of

service users affected by the allegations will contribute, either in person, or through the use of technology. The placing authority should provide all relevant information to the planning process, including written reports.

- 4.4. The planning process will agree roles and responsibilities for undertaking the enquiry, with overall responsibility for coordination of the enquiry remaining with the host authority. Within the planning discussion it may be necessary to assign tasks to the placing authority. If the placing authority is not present then the named lead coordinator is responsible for confirming agreement with the placing authority on the tasks to be assigned.
- 4.5. It will also set out a clear communication and engagement strategy which will include communication with all those affected by the safeguarding adult concern: - service users, families, carers and advocacy services, including Independent Mental Capacity Advocate (IMCA) services where appropriate and Independent Professional Advocacy (IPA) services where substantial difficulties are identified. This strategy should be reviewed regularly. The host authority will share the minutes with all invitees, including CIW in respect of a regulated service.
- 4.6. The planning process will also agree whether, and if so, how, other placing authorities will be informed of the concerns raised and why, and who will do this. The named lead coordinator will ensure that all decisions and agreed actions are fed back to a placing authority in the event that they are absent from the planning discussion, and will liaise with the placing authority throughout the enquiry. This is to ensure that:
 - The outcomes sought by the adult are clarified and jointly agreed by the adult, the host and placing authorities
 - Evidence or other information from any work undertaken by the placing authority is fed into the enquiry.
 - The placing authority is kept up-to-date on progress with the enquiry

4.7. Placing authority

- 4.8. The placing authority should liaise with the host authority's named lead practitioner regarding the conduct of the Section 126 enquiry. The placing authority should provide a representative with appropriate authority for decision making to attend and participate in any planning meetings which may be convened by the host authority.
- 4.9. The placing authority should provide all relevant information to the enquiry via the host authority's named lead practitioner. In planning the enquiry it may be necessary to assign tasks to the placing authority. It is expected that the placing authority has an established relationship with the adult at risk. They may therefore be the most appropriate organisation to ascertain the person's views and wishes and to undertake initial enquiries with them.
- 4.10. If a mental capacity assessment and/or Independent Professional Advocate are needed as part of the safeguarding enquiry, the placing authority should confirm with the host authority how this will be provided or commissioned, as part of the planning discussions.

4.11. Service provider

- 4.12. The host authority may discuss the concern with the provider, decide whether any further actions are required, and may cause the provider to make enquiries. Care and support plans

statutory guidance is clear that the provider has duties as both a service provider and as an employer. These duties include:

- Dealing with employment/disciplinary issues
- Protecting the adult at risk
- Incident investigation
- Assuring commissioners and regulators
- Preventing reoccurrence and risk to others
- Reporting concerns

4.13. The statutory guidance is clear that the provider should look into the concerns unless there is a compelling reason why it is inappropriate or unsafe to do this. Compelling reasons would include:

- Serious conflict of interest on the part of the employer, for example a family-run business where institutional abuse is alleged, or where the manager or owner of the service is implicated.
- Concerns having been raised about non-effective past enquiries or serious, multiple concerns
- A matter that requires investigation by the police

4.14. Where the provider is making the enquiry, they should be mindful of the requirement to fully involve the adult, and in particular to ask them (or their representative or advocate) what they want as an outcome following the raising of the safeguarding concern. This should be recorded and reported to the host local authority, as part of the enquiry.

4.15. Providers should supply the contact details of placing authorities responsible for the adults involved in the enquiry, so that the host authority can liaise with them. They should also provide information on any adults at risk who are self-funders

4.16. Providers should work together with the host local authority in discussing what the enquiry should cover, and also with relevant placing authorities to ensure they are fully informed when reassessing needs. This may involve participation in safeguarding meetings in line with local multi-agency procedures.

4.17. Following completion of the safeguarding enquiry the host authority will share the enquiry report(s) with the placing authority in order to discuss the content of the report and any required safeguarding arrangements.

4.18. The purpose of this discussion is:

- To share the outcome of the enquiry
- To agree recommendations regarding the outcome of the enquiry, including the extent to which it has been able to achieve the outcomes for the adult at risk, or what more they would like to happen.
- To identify any different views and the potential opportunities to resolve them
- To agree how communication with the person, their family, carers or advocate regarding the outcome of the enquiry and content of the report(s) will take place ensuring the person remains at the centre of the work.
- To agree how the attendance of the adult, their family, carers or advocate may be facilitated and/or their views reflected in the outcome
- To discuss the recommended content of the safeguarding plan where appropriate
- To agree arrangements for ongoing review of the safeguarding plan.

- 4.19. If a service provider has undertaken the enquiry, they will liaise with the host authority on their findings so that the host authority can decide whether any further actions are required.

This section focuses on the outputs of the safeguarding team.

An output is the product of a specific activity, e.g. careline installed, deputy-ship put in place or referral to carers support. The purpose of an output is to achieve an outcome. An outcome is the impact or change that happens, e.g. feeling safer, increased control, or reduced stress.

The output of the safeguarding process will help the citizen achieve the outcomes that they have identified, as part of a person centred conversation.

5.1. Host Authority

- 5.2. Once the enquiry is completed, conclusions should be reached on whether the desired outcomes of the adult at risk have been achieved, the level of any remaining risks and whether any further actions are required. This could include, for example where a professional or staff member has been established as the source of risk, a referral to a professional regulator or the Disclosure and Barring Service (DBS) (or both).

- 5.3. These decisions are made by the named lead coordinator in consultation with the adult and other parties involved in the enquiry. If a meeting is required to discuss the outcome of the enquiry and any further action required, the host authority will arrange the meeting in liaison with the adult or their representative and the placing authority.

5.4. Placing authority

- 5.5. If a meeting is required, the placing authority will attend either in person or via technology. The placing authority will ensure that where appropriate, family members are invited to the meeting. 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.

- 5.6. Where the adult, their family, carers or advocate cannot attend the outcome meeting, the placing authority will be responsible for ensuring that their views are obtained so that they can be represented within the process and for ensuring that the outcome of the meeting is fed back to them.

- 5.7. Where the need for an individual safeguarding plan is identified, the outcome meeting will discuss and agree the protection arrangements to be put in place by the placing authority. Further actions may also be agreed, which relate to a service provider or a wider group of service users.

5.8. Service Provider

- 5.9. As a result of the outcome discussions, further action may be required by the care provider. These could include training for staff, changes to operational guidelines, making referrals to regulators or the Disclosure and Barring Service.

6.0 Implementing the safeguarding plan

6.1. Host Authority

6.2. Following the enquiry a care and support protection plan may be required to confirm actions needed and who is responsible for each action.

6.3. The **Safeguarding Plan** should set out:

- The views, wishes and goals of the adult and level of risk that s/he is comfortable with
- What steps are to be taken to assure the future safety of the adult at risk;
- The provision of any support, treatment or therapy, including on-going advocacy;
- Any changes needed in the way services are provided (e.g. same gender care or placement; appointment of an Office of the Public Guardian deputy); How best to support the adult through any action they may want to take to seek justice or redress;
- Any on-going risk management strategy as appropriate.

6.4. The plan should outline the roles and responsibilities of all individuals and agencies involved; it should identify the lead professional who will monitor and review the plan, and when this will happen. Safeguarding plans should be person-centred and outcome-focused, and should be made with the full participation of the adult involved. In some circumstances it may be appropriate for safeguarding plans to be monitored through on going care management responsibilities. In other situations a specific review of the safeguarding plan may be required. If the safeguarding plan needs to be reviewed, the timescales for this should be agreed jointly by all involved.

6.5. 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 raised.

6.6. The host authority also has responsibility to feedback information on progress and/or concerns to health and social care commissioners and CIW (see the statement on CIW's roles and responsibilities in safeguarding children and adults, Sept 2017). The host authority must share the minutes with CIW when the allegations involve a regulated service, even if CIW has not been represented at the outcome discussion.

6.7. Placing authority

6.8. The placing authority will notify the host authority of completion of any protection actions agreed following the enquiry. Ongoing protection planning and review of safeguarding plans for each individual is the responsibility of their placing authority.

6.9. Service Provider

6.10. The provider's participation in further safeguarding meetings may be needed in line with National multi-agency procedures, to review whether the desired outcomes of the adult at risk have been achieved, whether the safeguarding plans are working and whether any further actions are required.

7.0. NHS Placements

- 7.1. During the Safeguarding Adults process it is possible for a reassessment of the person'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 person'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.
- 7.2. Where a placement is fully funded by the NHS, there may nevertheless be the need for the host authority to liaise with the local authority of the originating area of the person. This may be associated with historic involvement, or because a person may return to the originating area under S117 of the Mental Health Act 1983, and the local authority is required to be jointly involved with the NHS in commissioning such services. Similarly when a person has services commissioned by a regional specialised commissioning team, there may be the need for the host authority to liaise with an NHS body in the person's originating area.
- 7.3. During the Safeguarding Adults process it is possible for a reassessment of the person'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 person'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.

8.0. Ensuring effective communication

- 8.1. Throughout the safeguarding enquiry the host authority and the placing authority must stay in close communication. The named lead coordinator and all placing authorities must be kept informed of any changes that affect the enquiry or interim protection arrangements.

The following decisions about a service provider will be taken on a case by case risk assessment basis and 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

- 8.2. Where the host authority becomes aware, during a safeguarding enquiry, that a care provider can no longer provide a safe service, this must be clearly communicated to all placing authorities.
- 8.3. Any immediate actions that are required to safeguard service users, such as transferring residents from one service to another, must be discussed as early as possible with all placing authorities.

9.0. Resolving areas of difficulty or dispute

- 9.1. Professional disagreements should be resolved at the earliest opportunity in line with local procedures, ensuring that the safety and wellbeing of the adult at risk remains paramount.

- 9.2. Challenges to decisions should be respectful and resolved through co-operation. Disagreements can arise in a number of areas and staff should always be prepared to review decisions and plans with an open mind. Assurance that the adult at risk is safe takes priority. Disagreements should be talked through and appropriate channels of communication established to avoid misinterpretation. In the event that operational staff are unable to resolve matters, more senior managers in both the host and placing authorities should be consulted.
- 9.3. The named lead practitioner within the host authority must immediately report to their immediate line manager any situations of difficulty or dispute which create risks to ensuring safeguarding outcomes are achieved, 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 and hosting authorities are in dispute about the implementation of the protocol.
- 9.4. Where there is a dispute over the implementation of this guidance, funding, the investigation process or findings, it is vital that the safety of the adult takes precedence. The authorities should ensure that the safety of the person is secured or maintained and that the investigation remains focused on their needs and that of their family carers, prior to the resolution of any dispute.

10.0. Good Practice in Organisational Enquiries

- 10.1. The principles and guidance throughout this document apply to all cases where funding/ commissioning responsibility for an adult lies with an authority in one area and where concerns about potential abuse and/or exploitation subsequently arise in another area, whether this is for a single adult or a number of adults.
- 10.2. An additional consideration is that factors leading authorities to place people outside their area often (though not always) require very specialist providers. The specialist nature of the needs of those receiving such services increase the likelihood of them being placed at a distance from their family and placing authority, and also decrease the likelihood of alternative placements being readily available.
- 10.3. When a safeguarding adults concern involves a number of adults and a number of placing authorities, the task of coordinating the enquiry becomes much more complex. Whilst the roles and responsibilities described in the guidance are principally unchanged when there is such an enquiry, it is essential that all authorities have a clear understanding of their respective roles and responsibilities, regardless of distance from the service where the alleged concerns arose.