



Safeguarding Adults Fact Sheet: Number 7

Safeguarding Adults Enquiry

**Information for a person alleged to
have caused harm**

Who is this Fact Sheet for?

This fact sheet is provided for the benefit of those individuals who have been named within an allegation as potentially causing abuse to an adult at risk, who are also sometimes referred to as a vulnerable adult.

When an allegation is made and progresses via the Bath and North East Somerset Multi-Agency Safeguarding Adult Procedures a safeguarding adults enquiry may be needed in order to find out what has actually happened.

The findings from the enquiry are used to decide whether abuse has taken place and whether the adult at risk needs a protection plan. A protection plan is a list of arrangements that are required to keep the person safe.

If an allegation has been made about your actions this can be a difficult and stressful time. You may have questions about how the allegations are being investigated and how decisions will be reached. This fact sheet is intended to answer commonly asked questions. It explains what a safeguarding adult enquiry involves and how you can expect to be treated within these procedures.

Key Roles

The Safeguarding Lead Worker – This is someone who works within either Virgin Care or Avon and Wiltshire Mental Health Partnership NHS Trust (AWP) and supports the adult at risk to express their views, find out what they want as an outcome and to generally pull together all the information that may be required to reach a conclusion. They will also be responsible for developing a Protection Plan with the adult at risk. They may also have a role in identifying whether there are other adults who are potentially at risk of harm.

Safeguarding Coordinator – They will oversee the work of the Lead Worker and generally ensure that the enquiry is undertaken in a coordinated and thorough manner. This person can often be the Lead Worker’s manager. However there may be occasions when there is not a separate coordinator and the responsibility would sit with the Lead Worker.

The investigation will be undertaken by an Enquiry Lead, this person could be a social worker, or care manager, a nurse or the manager in the service where the concerns have arisen.

Independent Chair – the Chair is involved in any safeguarding concern from the point of a decision being made to progress to an enquiry stage. The Chair will also facilitate any meetings/discussions that take place.

What does a safeguarding Enquiry involve?

The purpose of a safeguarding Enquiry is to protect the adult at risk.

Its aims are to:

- establish the facts about an incident or allegation
- understand the risk of harm to the person
- understand how the person can be kept safe in the future

The Enquiry may involve a wide range of activities depending on the circumstances. It will include interviewing people who have witnessed or been involved in the incident. It might also involve reviewing records or policies and procedures.

Sometimes other investigations will also be needed under other procedures. For example, if a criminal offence is suspected the police may undertake an investigation, and

if so, this will take priority. If the person alleged to be responsible is an employee, then a disciplinary process may be required. There may also be a need for an internal incident investigation.

A safeguarding enquiry is separate from these, but often it is possible for organisations to work together so that people do not need to be interviewed more than once.

Care will be taken to make sure the safeguarding enquiry is conducted in a way that is fair to all concerned.

The following principles apply:

- an investigation will be carried out impartially
- an investigation will be undertaken with an open mind as to what has or has not happened
- an investigation will base its findings on the established facts and any presenting evidence
- if concerns have been raised about your actions then you will have a chance to respond to these allegations
- you will have an opportunity to respond to the findings of the enquiry

If you are being interviewed you can have someone sit in with you for support if you find that helpful. If you have particular communication needs these will be provided for. If you feel that the enquiry is not being undertaken fairly you can raise your concerns with the Safeguarding Investigating Officer, Lead Worker or Safeguarding Coordinator. You also have the option of progressing through the relevant organisation's complaints process.

Reviewing the findings of the investigation

The findings of the enquiry will be reviewed and a decision made as to whether there is evidence, on the balance of probabilities, as to whether abuse has occurred.

Your views on the allegation and the enquiry findings will be included in this decision. You will be informed of decisions made.

A Review Meeting is held where it is helpful for all concerned to meet and discuss the findings of the enquiry. The meeting will include those people involved in undertaking the investigation or taking actions to keep people safe. It will also include the adult at risk. If an allegation has been made about your actions or practice, you may be invited. However, the decision to invite you will need to take account the views and wishes of the adult at risk.

Additional Information

Issues for employees and volunteers

If an allegation has been made about you in the course of your work then your organisation will need to provide you with support. This will need to include:

- supporting you to understand the procedures being followed
- being available to respond to your questions
- keeping you updated as appropriate

As well as support from your manager, you may also choose to seek support from family and friends or depending on your circumstances, a union representative, professional body/support network. Although the safeguarding adults procedures are non-legal in nature, some people may choose to seek advice from their

solicitor. However, it should be noted that information about the adult at risk should remain confidential.

If you are a volunteer, you may wish to contact organisations such as the Bath and North East Somerset Volunteer Centre on 01225 338105 or a national voluntary organisation for advice or information. Similarly if you want to seek advice on your employment rights, you may wish to contact organisations such as the Pay and Employment Rights Service (PERS) or Citizens Advice Bureau (CAB).

If there is a need to make changes to your working arrangements whilst an allegation is investigated or subsequently, your manager will speak to you about this.

If your organisation is not aware of a safeguarding adults investigation concerning your actions at work or in your private life and you work with adults at risk, you should inform them as soon as possible.

Information for relatives/informal carers alleged to have caused harm

Where an incident has occurred unintentionally, for example, due to the extent of care demands on you, or your own needs as a carer, or your understanding of the person's care needs, it may be necessary to review the care and support needs of the adult at risk and your needs as a carer.

Decisions about who the adult at risk has contact with or receives support from, should be made by the adult at risk. If the person lacks mental capacity about these particular decisions, then a decision will be required in their 'best interests' in line with the Mental Capacity Act. As part of this process it will be important and necessary to consider what the adult at risk wishes were prior to losing capacity.

You may choose to seek support from family and friends or depending on your circumstances, an advocate, carer support group/network or someone else. Although the safeguarding adults procedures are non-legal in nature, some people choose to seek advice from their solicitor. Please be mindful that any information in relation to the adult at risk should remain confidential.

Information for other ‘adults at risk’ alleged to have caused harm

The purpose of the safeguarding adult procedures is to keep people safe.

If your actions have caused someone else to be harmed, then it will be necessary to find ways to keep them safe in the future.

There may need to be a decision about whether you have contact with them in the future, and if so, how often or how this is managed.

If the incident has occurred because you need more support or a different kind of support, then your needs and services will also be reviewed. This will be discussed with you. If you lack the mental capacity to make these decisions yourself, then a decision about your support needs will be made in your ‘best interests’ in line with the Mental Capacity Act 2005, taking your views and wishes into account.

You may choose to seek support from family and friends, or depending on your circumstances, your social worker, an advocate, carer, support group/network or someone else. Although the safeguarding adults procedures are non-legal in nature, some people choose to seek advice

from their solicitor. Please be mindful that any information in relation to the adult at risk should remain confidential

If I have questions, who can I speak to?

Wherever possible you should speak to the Safeguarding Lead Worker. Alternatively you could talk to your Social Worker/Nurse or any other person who can assist you with passing on the information to the Safeguarding Lead Worker.

You can use this space to record details of individuals involved or other information you may find useful:

This is one of a series of Fact Sheets, these are:

No.1: What happens after abuse is reported?

No.2: Easy read: What happens after abuse is reported?

No.3: What is a Planning Meeting/Planning Discussion?

No.4: What is a Safeguarding Adult Enquiry?

No.5: What is a Review Meeting?

No.6: Information for relatives and friends

No.7: Safeguarding Adults Enquiry - Information for those alleged to have caused harm

The Fact Sheets and the Bath and North East Somerset Safeguarding Adult Multi-Agency Policy and Procedures are available for anyone to read at:

<http://www.bathnes.gov.uk/services/care-and-support-and-you/safeguarding-and-legal-information>

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