

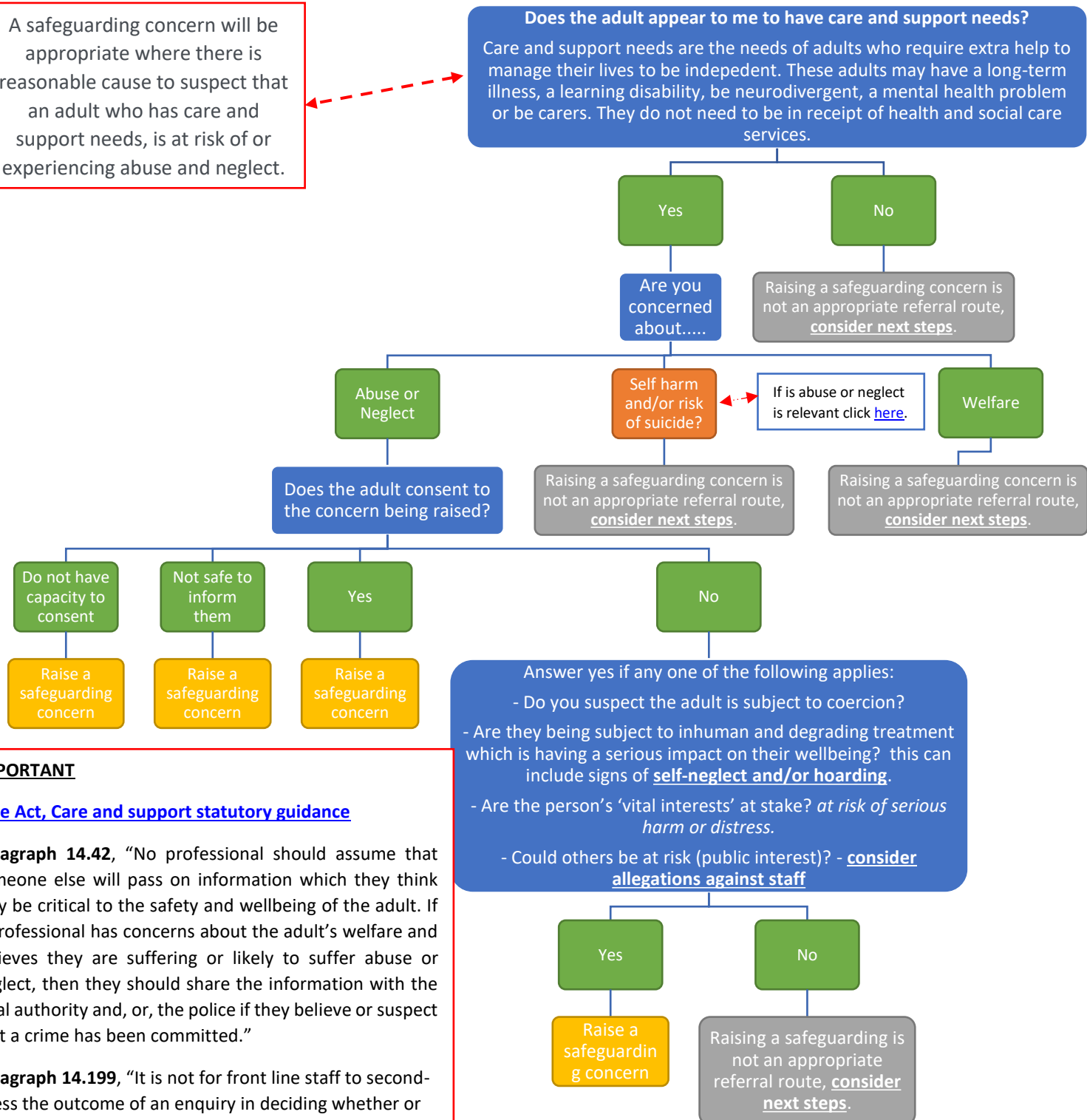
## What do referrers need to consider before deciding to raise an adult safeguarding concern.

In an emergency call 999. If you think there has been a crime but it is not an emergency, call the Police on 101. Before raising a safeguarding adult concern, please work through the following flow chart to ensure that this is the correct referral route. If after working through the flowchart you are not sure, speak to your line manager for support or the relevant Local Authority for advice and support. If a report is made to the Police and safeguarding criteria is met a safeguarding concern must also be raised.

A safeguarding concern will be appropriate where there is reasonable cause to suspect that an adult who has care and support needs, is at risk of or experiencing abuse and neglect.

### Does the adult appear to me to have care and support needs?

Care and support needs are the needs of adults who require extra help to manage their lives to be independent. These adults may have a long-term illness, a learning disability, be neurodivergent, a mental health problem or be carers. They do not need to be in receipt of health and social care services.



### IMPORTANT

#### Care Act, Care and support statutory guidance

**Paragraph 14.42,** “No professional should assume that someone else will pass on information which they think may be critical to the safety and wellbeing of the adult. If a professional has concerns about the adult’s welfare and believes they are suffering or likely to suffer abuse or neglect, then they should share the information with the local authority and, or, the police if they believe or suspect that a crime has been committed.”

**Paragraph 14.199,** “It is not for front line staff to second-guess the outcome of an enquiry in deciding whether or not to share their concerns. There should be effective and well-publicised ways of escalating concerns where immediate line managers do not take action in response to a concern being raised.

## Please consider

- **If raising a safeguarding concern is not an appropriate referral route**, if you are still concerned that the adult is being harmed. Consider: who will I contact to engage with the adult and/or support me to help to problem solve? – this may fall outside of adult social care, such as voluntary care and health organisations.
- **Concerns about the adult's welfare** can be referred separately to adult social care for an offer to the person of a needs assessment, if the person has care and support needs.
- Careful record should be kept about why the referrer felt it was necessary to make the referral to protect against the risks of abuse, despite the **lack of consent**.
- It may be that concerns about abuse which has or is likely to have a less serious impact **are not referred without consent** in order to protect the adult's right to respect for private life, but it is important to record why it was felt that sharing information was not necessary.
- [Self- Neglect and Hoarding Safeguarding Pathway Toolkit](#) has been created to support professionals across the West of Berkshire in their decision making when considering if a safeguarding concern should be raised in response to concerns in regard to vulnerable adults that are or are at risk of self-neglecting and/or hoarding. On completion of the toolkit a total risk score will be obtained and advice on what action should be taken in regard to the total score is provided. There are two example toolkits based on fictitious cases [Mr. Brown](#) and [Mrs. Red](#), please refer to for best practice examples of completed toolkits.
- [Adult Safeguarding Pathway, Decision Making Tool](#), is a document that has been developed by Reading Borough Council, West Berkshire Council and Wokingham Borough Council to support a shared understanding of decision making for adult safeguarding.
- [Allegation Management Framework/Person in a Position of Trust](#), the Care Act 2014 requires the local authority, its relevant partners and those providing universal care and support services, to have clear policies for dealing with allegations against people in positions of trust i.e. anyone working in either a paid or unpaid capacity with adults with care and support needs. The people in position of trusts (PIPOTS) may be people who are employed and work with or voluntarily undertake activity with adults or children (for example where an employee/worker/volunteer has been accused of the abuse or neglect of an adult with care and support needs). It may be appropriate to refer to PIPOT rather than raising a safeguarding concern, contact the relevant local authority for advice.
- [Pathways for multi-agency planning](#), across the West of Berkshire there are several pathways available to use in order to support adults with care and support needs where there are concerns about their welfare and/or Abuse or Neglect. This document has been produced to support practitioners in their understanding of these frameworks.
- **Risk of self-harm and/or suicide**
  - There are circumstance in which risk of suicide will be identified as a safeguarding. Suicide is at one end of a continuum of self-harm. Self-harm and self-neglect are not the same, although there may be some overlap. What drives people to hurt themselves may also drive them to deprive themselves of the basic care and comfort they need in order to thrive.
  - Self-harm including attempted suicide and suicide is often a way of dealing with difficult feelings and memories of overwhelming situations and experiences. Support is available for anyone who self-harms and thinks about self-harming. Safety of the person is paramount and in a mental crisis or emergency, call a mental health crisis line or 999.
  - Whilst self-harm and risk of suicide is not listed by the Care Act as a type of abuse or neglect, the guidance is clear that abuse and neglect can take many forms and the circumstances of the individual case should always be considered. When considering if a safeguarding concern should be raised, consider if there is reasonable cause

to suspect that the adult is experiencing, or at risk of abuse or neglect and could the self-harm/suicidal thoughts be because of abuse and neglect.

- A safeguarding concern may be appropriate when there is reasonable cause to suspect that the individual has need for care and support and because conversations have uncovered reasonable cause to suspect abuse and/or neglect as a factor in suicidal thoughts/threats.
- If a safeguarding concern is not determined as the most appropriate route, then another pathway for support for the adult will be indicated.
- It may be that the situation is believed initially not to constitute a safeguarding concern, but later new information indicates that it does. This should be monitored and there should be a preparedness to change approach where necessary in the light of new information.

### **Legal frameworks to share information**

Sharing information between safeguarding partners is covered in a number of frameworks:

#### **Local authority responsibilities for sharing information under the Care Act 2014**

Under the Care Act 2014 a local authority must:

- Set up a safeguarding board; the board will share strategic information to improve local safeguarding practice.
  - Cooperate with each of its relevant partners; each relevant partner must also cooperate with the local authority.
- Clause 45 of the Care Act focuses on 'supply of information'. This relates to the responsibilities of others to comply with requests for information from the safeguarding adults board.

#### **Care Act, Care and support statutory guidance**

- Paragraph 14.6, "statutory adult safeguarding duties apply equally to those adults with care and support needs regardless of whether those needs are being met, regardless of whether the adult lacks mental capacity or not, and regardless of setting, other than prisons and approved premises where prison governors and National Offender Management Service (NOMS) respectively have responsibility."
- Paragraph 14.8, "Incidents of abuse may be one-off or multiple, and affect one person or more. Professionals and others should look beyond single incidents or individuals to identify patterns of harm"
- Paragraph 14.42, "No professional should assume that someone else will pass on information which they think may be critical to the safety and wellbeing of the adult. If a professional has concerns about the adult's welfare and believes they are suffering or likely to suffer abuse or neglect, then they should share the information with the local authority and, or, the police if they believe or suspect that a crime has been committed."
- Paragraph 14.199, "It is not for front line staff to second-guess the outcome of an enquiry in deciding whether or not to share their concerns. There should be effective and well-publicised ways of escalating concerns where immediate line managers do not take action in response to a concern being raised.

#### **Common law duty of confidentiality**

Essentially it means that when someone shares personal information in confidence it must not be disclosed without some form of legal authority or justification.

#### **Data Protection Act 2018**

Controls how personal information is used by organisations, businesses and the government.

The Data Protection Act 2018 is the UK's implementation of the General Data Protection Regulation (GDPR).

#### **Human Rights Act 1998**

The Human Rights Act 1998 sets out the fundamental rights and freedoms that everyone in the UK is entitled to. It incorporates the rights set out in the European Convention on Human Rights (ECHR) into domestic British law. The Human Rights Act came into force in the UK in October 2000.

#### **Crime and Disorder Act 1998**

An Act to make provision for preventing crime and disorder.

#### **The Mental Capacity Act 2005**

Covers people in England and Wales who can't make some or all decisions for themselves. The ability to understand and make a decision when it needs to be made is called 'mental capacity'.

## **Useful Information**

### **[Berkshire Safeguarding Adults Boards' Information Sharing Protocol](#)**

Covers all the agencies that form the Safeguarding Adults Boards in Berkshire. It provides a framework for making decisions about sharing information to help protect vulnerable adults who may be at risk of abuse or neglect.

### **[Resolving professional disagreements in cases that meet the statutory criteria for safeguarding adults, escalation policy](#)**

Effective working together depends on an open and honest approach to relationships between agencies. Problem resolution is an integral part of professional co-operation in a multi-agency approach to safeguard adults. Occasionally situations arise when an agency feel that the actions, inaction or decisions of another agency do not adequately safeguard an adult at risk of abuse or neglect. Such situations have been highlighted in several Safeguarding Adult Reviews. This multi-agency guidance defines the process for resolving such professional differences, when a case meets the statutory criteria for safeguarding adults , and should be read alongside [Berkshire Safeguarding Adults Policy and Procedures](#) as well as relevant internal organisation policies on escalating matters in dispute.

### **[Sharing Information | West of Berkshire Safeguarding Adults \(sabberkshirewest.co.uk\)](#)**

### **[Safeguarding adults: sharing information | SCIE](#)**

### **[ADASS Guidance](#)**

#### **Acknowledgements**

- Guidance page has been created in response to the learning from Sandra Safeguarding Adult Review Full report on the [Case of Sandra](#) and [Practice Note](#) – *Published July 2023*
- [Making Good Referrals of Adult Safeguarding Concerns in Surrey](#)
- [Understanding what constitutes a safeguarding concern and how to support effective outcomes](#)

Created November 2023 – updated May 25, in response to [Bree SAR](#) recommendations.

Review Due November 2025