

Doncaster Safeguarding Adults Board

Guidance on the Coordination of S42 Safeguarding Adults Enquiries (with other Investigations)

DOCUMENT CONTROL

Version:	2.0
Date Written:	February 2013
Ratified By:	Doncaster Safeguarding Adults Board
Date Ratified:	8 th March 2013
Name of Originator/Author	Doncaster Safeguarding Adults Board
Date Issued:	26 th April 2016
Review Date:	April 2019
Target Audience	All member organisations of DSAB

Contents	Page
1. Introduction	3
2. Purpose	3
3. Scope	3
4. Definitions	4
5. Guiding Principles	4
6. Police/Criminal Investigation and Safeguarding Adults Enquiry	5
7. Incident or Serious Incident Investigation and Safeguarding Adults Enquiry	8
8. Complaints Investigation and Safeguarding Adults	10
9. Disciplinary Investigation and Safeguarding Adults	12
10. Coordinating Multiple / Complex Safeguarding Enquiries/Investigations	15
11. Sharing Information	15
12. Roles and Responsibilities	16
Appendix 1 – Guidance in Conducting a Safeguarding Adult Interview with a member of staff who may be the alleged source of harm	19
Appendix 2 – Safeguarding Adult Allegations against Staff and Disciplinary Process Flow Chart	21
Appendix 3 – Summary of changes	22

Acknowledgement

The DSAB would like to thank the Leeds Safeguarding Adults Partnership Board for their support to base this document on the Leeds Practice Guidance: Co-ordination of S42 Safeguarding Enquiries with other investigations.

^{1.} Care and Support Statutory Guidance, DOH 2014

^{2.} National Framework for Reporting and Learning from Serious Incidents Requiring Investigation, NPSA 2010

1. Introduction

- 1.1 This guidance focuses on Section 42 Enquiries which are hereonin referred to as safeguarding enquiries, in coordination with Police investigations, complaints, disciplinary and incident/serious incident investigations. However, the principles contained within have wider application where other investigative processes are involved.
- 1.2 The coordination of safeguarding enquiries with other investigations requires a mutual understanding of each organisation's statutory and legal responsibilities, effective communication and cooperation. The focus should be on working in partnership, making the best use of each organisation's skills and expertise in order to achieve safe, effective and timely outcomes for 'adults at risk'.
- 1.3 In some circumstances coordination will not just be between organisations, but between departments within an organisation, where each is responsible for different investigative processes.

2. Purpose

- 2.1 This document is intended to support decisions as to how safeguarding enquiries should be coordinated with other investigations. Each set of circumstances will however be unique, requiring professional judgements and individually tailored solutions.
- 2.2 The document outlines the focus and purpose of each of the different types of investigation and how these differ from a safeguarding enquiry. It also identifies the coordination issues and options that should be taken into account when determining the best way to manage the enquiry/investigation process in order to ensure that the scope and objectives of the safeguarding adult enquiry have been met.

3. Scope

- 3.1 This guidance applies to safeguarding adult enquiries involving allegations of abuse or neglect against an adult at risk. It is intended to be used by multi-agency staff who are involved in decisions about how these enquiries should be coordinated and managed.
- 3.2 It is acknowledged that all agencies will have their own internal/statutory investigation procedures. This guidance does not intend to duplicate or replace these. No individual agency's statutory responsibility can be delegated to another.
- 3.3 For enquiries/investigations relating to children or young people please refer to your organisation's Children and Young People's Safeguarding Policy and Procedures.

¹. Care and Support Statutory Guidance, DOH 2014

². National Framework for Reporting and Learning from Serious Incidents Requiring Investigation, NPSA 2010

4. Definitions

4.1 **Adult at Risk:** Safeguarding adults procedures relate to the multi-agency responses made to a person aged 18 years or over who;

- (a) has needs for care and support (whether or not the authority is meeting any of those needs),
- (b) is experiencing, or is at risk of, abuse or neglect, and
- (c) as a result of those needs is unable to protect himself or herself against the abuse or neglect or the risk of it.¹

4.2 **Appropriate Adult:** A parent or guardian or social worker who must be present if a young person or adult at risk is to be searched or questioned in Police custody. If these are unavailable a volunteer from the local community may fill the role instead. The Appropriate Adult role was created by the Police and Criminal Evidence Act (PACE) 1984, with the intention of safeguarding the rights and welfare of young people and adults at risk in Police custody.

4.3 **Safeguarding Planning meeting/discussion:** A formal multi-agency meeting or discussion which is held to plan a multi-agency safeguarding enquiry into an allegation of abuse against an adult at risk, i.e.

- Which processes are to be used to make enquiries?
- In what order are the safeguarding enquiry processes to be undertaken?
- How is the safeguarding enquiry to be conducted (roles and responsibilities)?
- How and when is the safeguarding enquiry team going to provide feedback?

4.4 **Safeguarding Enquiry:** Where information about a safeguarding adult concern and the context in which it happened is collated in order to;

- establish facts;
- ascertain the adult at risk's views, wishes and desired outcomes;
- assess the needs of the adult at risk for protection, support and redress and how they might be met;
- protect from the abuse and neglect, in accordance with the wishes of the adult at risk;
- make decisions as to what follow-up action should be taken with regard to the person or organisation responsible for the abuse or neglect; and
- enable the adult at risk to achieve resolution and recovery;
- inform Safeguarding Adult Outcome Meeting decisions.

This may involve taking account of other types of investigations such as those referred to within this document.

¹ Care and Support Statutory Guidance, DOH 2014

² National Framework for Reporting and Learning from Serious Incidents Requiring Investigation, NPSA 2010

5. Guiding Principles

- 5.1 The Doncaster Adult Safeguarding Partnership Board aims to embed the following six principles throughout all of its work;

Empowerment:

Presumption of person led decisions and informed consent.

Prevention:

It is better to take action before harm occurs.

Proportionality:

The least intrusive response appropriate to the risk presented

Protection:

Support and representation for those in greatest need.

Partnership:

Local Solutions through services working with communities

Accountability:

Accountability and transparency in delivering safeguarding

Properly co-ordinated parallel safeguarding adult enquiries/investigations will ensure that evidence is shared; duplicated interviewing is avoided and will cause less distress for the person who may have suffered abuse. If appropriate joint interviews should be agreed at the safeguarding planning meeting/discussion.

6. Police/Criminal Investigation and Safeguarding Adults Enquiry

- 6.1 The content of a safeguarding adult Concern may include suspected or actual criminal offences that require investigation by the Police. For these reasons, where a criminal offence is suspected, consideration should be given to the need to preserve evidence and involve the Police at the earliest opportunity. The Police should be invited to the safeguarding adult planning meeting/discussion, so that the safeguarding enquiry and criminal investigation processes can be coordinated in an effective and timely manner.
- 6.2 Where a member of staff is the person alleged to be responsible for the abuse or neglect, consideration needs to be given to the principles identified in this section and a line management AND Human Resources representative will also be required to attend the safeguarding planning meeting/discussion.

6.3 Focus of Police Investigations and Safeguarding Adult Enquiries

¹. Care and Support Statutory Guidance, DOH 2014

². National Framework for Reporting and Learning from Serious Incidents Requiring Investigation, NPSA 2010

6.3.1 The issues being considered by criminal investigations and safeguarding adult's procedures are different. The focus of the Police investigation is criminal justice. The purpose of the investigation is to establish whether there is sufficient evidence to prove an offence has occurred and, if so, whether it is in the public interest to prosecute. The standard of evidence in a criminal investigation is 'beyond reasonable doubt'.

6.3.2 The focus of the safeguarding adult procedures is protecting an adult at risks right to live in safety, free from abuse and neglect in accordance with their view, wishes, feelings and beliefs. The decision as to the occurrence of abuse or neglect will need to be reached on the 'balance of probabilities'.

6.3.3 It is possible that a police investigation could achieve the standard of evidence for the safeguarding enquiry to substantiate an allegation but not for a criminal prosecution to be taken forward. For these reasons, although the safeguarding enquiry should be informed by the Police investigation, it will need to form its own view as to the occurrence of abuse or neglect.

6.4 Priority of Police Investigations

6.4.1 Although the commencement of a safeguarding adult enquiry may need to be delayed pending Police investigation, protection planning arrangements for the adult at risk should not be delayed. Wherever practicable the Police will need to be consulted in relation to protection arrangements that may impact upon their investigation, as this may forewarn the alleged source of harm responsible for abuse or neglect.

6.4.2 Police investigations should be coordinated with safeguarding enquiries but they **may** take priority.¹ Any safeguarding adult planning meeting/discussion must consider and agree with Police what actions, if any, can be taken about information gathering which will not impact on the Police investigation for example analysing care plans and risk assessments, completing Mental Capacity Act assessments etc.

6.4.3 Alleged criminal offences differ from all other non-criminal forms of abuse in that the responsibility for initiating action invariably rests with the state in the form of the Police and the Crown Prosecution Services. Accordingly, when complaints about alleged abuse suggest that a criminal offence may have been committed it is imperative that reference should be to the Police as a matter of urgency.

6.4.4 This means that where a Police investigation is being undertaken, a safeguarding enquiry should not commence without the knowledge and agreement of the Police. The Police will liaise with the safeguarding manager and other agencies involved in order to ensure that the criminal investigation takes priority and is not prejudiced by any enquiries carried out by other organisations.

¹. Care and Support Statutory Guidance, DOH 2014

². National Framework for Reporting and Learning from Serious Incidents Requiring Investigation, NPSA 2010

6.5 Principles of coordination

6.5.1 Where a Police investigation is being conducted consideration needs to be given as to when a safeguarding enquiry can be commenced, so as to ensure both the criminal and safeguarding adult procedures are completed in a timely manner. Opportunities for partnership working should be considered within the safeguarding adult planning meeting/discussion with a view to reducing the need for repeat interviewing and in order to support timely protection planning.

6.5.2 The Police are responsible for conducting the investigation into criminal matters of abuse or neglect. It may however be appropriate for a safeguarding adult enquirer to assist the Police during some stages of the criminal investigation. Alternatively the sharing of information may preclude the need for activities to be repeated by the safeguarding enquiry, such as the interviewing of adults at risk who are victims, witnesses or suspects.

6.5.3 The need for the Police to act promptly to secure evidence may sometimes mean that Police interviews or other actions cannot be delayed until an initial safeguarding adult planning meeting/discussion has taken place. The following factors/considerations apply to all criminal led investigations:

6.5.4 Care should be taken to ensure that a criminal investigation/prosecution process is not undermined by how information shared, recorded or distributed within safeguarding adult enquiry reports or minutes of meetings. The Police should be consulted, and their permission obtained, in relation to how updates shared by them are subsequently used within the safeguarding adult enquiry/procedures.

6.5.5 On conclusion of the criminal investigation an application can be made in writing to South Yorkshire Police legal services requesting disclosure of information (copies of statements and interviews) to assist in progression of the safeguarding adult and disciplinary processes.

6.6 Police/Criminal Investigations / Safeguarding Adults Enquiries and Disciplinary Processes

6.7 Where all three processes are running concurrently, within the safeguarding adult planning meeting/discussions with the Police the Safeguarding Manager will be required to establish if the safeguarding adult enquiry and/or disciplinary investigation can be appropriately progressed independently from the criminal investigation, without jeopardising or prejudicing the on-going criminal investigation processes. Should organisations require to progress the disciplinary investigation then a conversation with the Police will need to take place.

7. Incident or Serious Incident Investigation and Safeguarding Adults Enquiry

7.1 Incident and serious incident investigations are organisational learning processes

¹ Care and Support Statutory Guidance, DOH 2014

² National Framework for Reporting and Learning from Serious Incidents Requiring Investigation, NPSA 2010

that review how and why incidents have occurred. Incident and serious incident investigations take a systemic approach, that seek to improve the way services are being provided and to minimise the risk that incidents of concern will reoccur through sharing lessons learned.

- 7.2 All organisations should have management/governance systems in place that specifically consider whether internally reported incidents/concerns involve issues of abuse or neglect, and report concerns into the safeguarding adults process accordingly. Any internal investigation should be coordinated with the safeguarding adults' arrangements and not begin independently of them¹.
- 7.3 Incident investigations may be conducted by any organisation. There is an expectation that all services will consider the need to review their practice and systems in response to an incident, in order to minimise the risk of harm or abuse reoccurring.
- 7.4 Serious incident investigations relate to NHS or NHS Commissioned Services. The criteria of a serious incident includes... '*An incident that has occurred that involves an allegation of abuse*'³. Such incidents must be referred into the multi-agency safeguarding process as well reported to the NHS England as a reportable incident.
- 7.5 The safeguarding adult planning meeting/discussion should include the appropriate representatives (including the provider) who can advise on whether an incident or Serious Incident investigation has commenced / is required and in what way this will contribute to decision making and co-ordination of the safeguarding adult enquiry process. In the case of a Serious Incident this would need to include the Serious Incident Investigator.
- 7.6 Where a member of staff is the alleged source of harm consideration needs to be given to the principles identified in this section and a Human Resources and line manager representative will also be required to attend the safeguarding adult planning meeting.
- 7.7 **Focus of Incident or Serious Incident Investigations and Safeguarding Adults Enquiries**

7.7.1 The focus of incident/serious incident investigations are to establish the learning from an incident, enabling changes in process or practice to be made that minimise the risk of it reoccurring. The focus of the safeguarding adult enquiry is protecting an adult at risks right to live in safety, free from abuse and neglect and in accordance with their views, wishes and feelings. The purpose of the safeguarding adult enquiry is to establish whether abuse or neglect has occurred in order to inform the protection planning process and stop abuse or neglect where ever possible.

¹. Care and Support Statutory Guidance, DOH 2014

². National Framework for Reporting and Learning from Serious Incidents Requiring Investigation, NPSA 2010

7.7.2 As the focus of the safeguarding adult enquiry and incident/serious incident investigation is different, the findings of one investigation do not in itself determine the conclusions of the other. The safeguarding adult and incident processes must both assess the information obtained during the incident/serious incident investigation/safeguarding enquiry and satisfy themselves that its decisions are appropriate.

7.8 Coordination Issues

7.8.1 In deciding how safeguarding enquiries and incident/serious incident investigations can be best coordinated/managed in an effective and timely manner the safeguarding manager needs to exercise professional judgement, taking into account the unique circumstances and the following considerations and coordination options:

7.8.2 Considerations

- Incidents of alleged abuse or neglect will need to be addressed within the safeguarding adult procedures and recorded on the appropriate safeguarding enquiry template.
- It is important that the safeguarding adult planning meeting/discussion clearly defines the scope of the safeguarding adult enquiry to be undertaken. This will assist in understanding whether and to what extent there is overlap with any incident or serious incident investigation proposed.
- The safety of the adult at risk, their wishes and desired outcomes should be the focus of decisions as to how safeguarding enquiries are coordinated with other investigations.
- Where possible, sharing of relevant information may prevent the need for duplicate safeguarding adult enquiry/incident/serious incident investigation into the same issues or concerns. Refer to the South Yorkshire safeguarding adults' Procedures information sharing protocol and local information governance arrangements.

7.8.3 Coordination Options Include:

Where Safeguarding Adult Enquiries and Incident/Serious Incident Investigations are both required:

- The Safeguarding Manager will need to consider whether there is a need to request that a service provider delays internal incident or serious incident investigations until completion of the safeguarding adult enquiry. This may be required where there is a risk to the perceived impartiality of the safeguarding adult enquiry or when the process of gathering information for the incident/serious incident investigation was not delayed prior to commencement of the Safeguarding Adults Procedures.

^{1.} Care and Support Statutory Guidance, DOH 2014

^{2.} National Framework for Reporting and Learning from Serious Incidents Requiring Investigation, NPSA 2010

- The best use of skills, expertise and resources may sometimes be for the service provider to undertake an incident/serious incident investigation and for their findings to contribute to the safeguarding adult enquiry report (e.g. information gained may be used in the safeguarding adult enquiry report and/or the incident/serious incident report).
- In these circumstances, the Safeguarding Adult Enquirer must review these findings, assure themselves that the service provider's investigation has been robust, and form their own view as to the occurrence of abuse or neglect and the protection planning needs of the adult at risk. Further safeguarding adult enquiry activities may be required by the Safeguarding Adult Enquirer to ensure the scope and objectives of the safeguarding adult enquiry have been met.
- A safeguarding adult enquiry and incident/serious incident investigation may in some circumstances be conducted simultaneously. If this involves joint interviews the incident/serious incident policy of the service provider and the requirements of the safeguarding procedures would both need to be adhered to.

8. Complaints Investigation and Safeguarding Adults Enquiry

- 8.1 Complaints in relation to health or social care services may be made directly to the responsible organisation or to their commissioning body. Complaints received will usually relate to the quality of service provision. On some occasions however, part or all of the content may actually concern issues of suspected abuse or neglect and indicate the need for a safeguarding adult enquiry to be considered.
- 8.2 Conversely, part or all of the content within a safeguarding adult concern may contain issues more appropriately addressed through a complaints process and it will be necessary to advise the person as to how to take their concerns forward.
- 8.3 Where a safeguarding adult concern is received following a complaint or where the range of concerns are such that they require both a complaint and a safeguarding enquiry, the safeguarding manager should consider including within the safeguarding adult planning meeting/discussion, as appropriate:
- A complaints officer from the respective agency and/or
 - A senior manager of the service provider who can represent the complaints process and if the alleged source of harm is one of their staff members, they can also bring a HR perspective to the meeting
- 8.4 The safeguarding adult planning meeting/discussion should consider how these processes can be coordinated in an effective and timely manner.

8.5 Focus of Complaints Investigations and Safeguarding Adult Enquiries

¹. Care and Support Statutory Guidance, DOH 2014

². National Framework for Reporting and Learning from Serious Incidents Requiring Investigation, NPSA 2010

- 8.5.1 The focus of a complaint investigation will be on the standards of service being provided by the organisation and appropriate remedies where required. The focus of the safeguarding adult Enquiry is protecting an adult at risks right to live in safety, free from abuse and neglect in accordance with their view, wishes, feelings and beliefs.

8.6 Coordination Issues

- 8.6.1 In deciding how safeguarding adult enquiries and complaints investigations can be best coordinated the Safeguarding Manager will need to exercise professional judgement, taking into account the unique circumstances and the following considerations and coordination options:

8.6.2 Considerations:

- Incidents of alleged abuse or neglect will need to be addressed within the safeguarding adults' procedures and recorded on the appropriate safeguarding enquiry template.
- The safety of the adult at risk, their wishes and desired outcomes should be the focus of decisions as to how safeguarding adult enquiries are coordinated, however professionals and other staff should not be advocating "safety" measures that do not take account of individual well-being¹.
- Where possible, sharing of relevant information may prevent the need for duplicate safeguarding adult enquiry/complaint investigation into the same issues or concerns. Refer to the South Yorkshire safeguarding adults' Procedures information sharing protocol and local information governance arrangements
- Where there are issues that are being addressed through both complaints investigation and safeguarding adult enquiry, it should be made clear to the complainant/ adult at risk, as to which issues are being addressed through which process.

8.6.3 Coordination Options Include:

Where Safeguarding Adult Enquiries and Complaint Investigations are both required:

- Consideration should be given as to whether concerns requiring a complaint investigation and those requiring a safeguarding adult enquiry can be undertaken simultaneously, in order that the person's various concerns are responded to in a timely manner.
- In the event that a complaint and safeguarding adult enquiry process is being undertaken simultaneously this may undermine or interfere with the

¹. Care and Support Statutory Guidance, DOH 2014

². National Framework for Reporting and Learning from Serious Incidents Requiring Investigation, NPSA 2010

process of gathering evidence for the safeguarding enquiry, in these instances the safeguarding adult enquiry will need to be undertaken first.

- Even though the safeguarding adult enquiries and complaints investigations will be addressing different issues, there may be occasions where a joint interview of the complainant/adult at risk is appropriate. This may be beneficial where the issues being investigated are related and it is potentially distressing for the complainant/adult at risk to repeat their experiences for the purposes of separate enquiry/investigation processes.

9. Disciplinary Investigation and Safeguarding Adults Enquiry

- 9.1 Alleged abuse/misconduct by a staff member may need to be investigated and addressed within both disciplinary procedures and safeguarding adult procedures. Each is important and necessary to ensure safe outcomes for the adult at risk and the need to be coordinated effectively. Disciplinary processes will need to comply with the service provider's disciplinary policy and relevant employment legislation.
- 9.2 In the case of potential gross misconduct the service provider will need to give consideration as to the need for suspension or alternative actions in order to address a risk that the safeguarding adult enquiry may otherwise be compromised and/or to minimise any on-going risk to the adult at risk or other service users.
- 9.3 Where a safeguarding adult allegation or concern involves allegations of misconduct by a member of staff that may result in disciplinary investigation, the Safeguarding Manager must involve the following people in the safeguarding adult planning meeting/discussion:
- A senior manager of the service provider within organisational arrangements or line manager of the alleged source of harm and;
 - The service provider's human resources (HR) Manager/Advisor

NB: It is the role of the HR Adviser to support the line manager in relation to disciplinary matters. It is not the responsibility of HR to make the decision around an employee.

- 9.4 The safeguarding adult planning meeting/discussion should consider how these safeguarding adult enquiry and disciplinary investigation processes can be coordinated on a case by case basis. The guiding principle is that the outcome of a safeguarding adult enquiry should inform the disciplinary investigation, however there may be cases where it will be beneficial to inform the safeguarding adult enquiry with the outcome of the disciplinary.

9.5 Focus of Disciplinary Investigations and Safeguarding Adult Enquiries

9.5.1 The focus of the disciplinary investigation will be the adherence of a staff

^{1.} Care and Support Statutory Guidance, DOH 2014

^{2.} National Framework for Reporting and Learning from Serious Incidents Requiring Investigation, NPSA 2010

member to their responsibilities as an employee. The focus of the safeguarding adult enquiry is protecting an adult at risks right to live in safety, free from abuse and neglect in accordance with their view, wishes, feelings and beliefs.

9.6 Coordination Issues

9.6.1 In deciding how safeguarding adult enquiries and investigations can be best coordinated in an effective and timely manner, the Safeguarding Manager will need to exercise professional judgement, taking into account the unique circumstances and the following considerations and coordination options:

9.6.2 Considerations:

- Incidents of alleged abuse or neglect will need to be addressed within the safeguarding adults' procedures and recorded on the appropriate safeguarding enquiry template.
- An employer is separately responsible for the administration of disciplinary procedures, and decision making within. Particular attention should be paid to the rights of the employee in relation to appropriate representation.
- The safety of the adult at risk, their wishes and desired outcomes should be the focus of decisions as to how safeguarding adult enquiries are coordinated, however professionals and other staff should not be advocating "safety" measures that do not take account of individual well-being¹.
- Interviews being undertaken as part of a disciplinary investigation will need to adhere to the service provider's disciplinary procedures.
- Where possible, sharing of relevant information may prevent the need for duplicate safeguarding adult enquiry/complaint investigation into the same issues or concerns. Refer to the South Yorkshire safeguarding adults' Procedures information sharing protocol and local information governance arrangements.
- In the event of an alleged source of harm resigning from their post guidance should be sought from the organisation's internal disciplinary policy on how to progress the disciplinary investigation/safeguarding enquiry in their absence.

9.6.3 Coordination Options Include:

Where Safeguarding Adult Enquiry and Disciplinary Investigation processes are both required:

¹. Care and Support Statutory Guidance, DOH 2014

². National Framework for Reporting and Learning from Serious Incidents Requiring Investigation, NPSA 2010

- i. The Safeguarding Manager will need to consider whether there is a need to request that a service provider delays internal disciplinary proceedings until completion of the safeguarding adult enquiry. This may be required where there is a risk to the perceived impartiality of the safeguarding enquiry or the process of gathering information.
- ii. The general principle is to **undertake the safeguarding adult enquiry first in order to inform outcome of the disciplinary**. However there may be times when it is appropriate to undertake the disciplinary first. The findings from the safeguarding adult enquiry or disciplinary investigation can then be used to contribute to the safeguarding adult enquiry / disciplinary investigation report (e.g. information learnt may be used in the safeguarding adult enquiry report and/or the disciplinary report attached).

In these circumstances, the safeguarding adult enquirer must review these findings, and assure themselves that the service provider's disciplinary investigation has been robust, form their own view as to the occurrence of abuse or neglect and the protection planning needs of the adult at risk. Further activities may be required by the Safeguarding Enquirer to ensure the scope and objectives of the safeguarding adult enquiry have been met.

- iii. A safeguarding adult enquiry and disciplinary investigation may in some circumstances be conducted simultaneously. If this involves joint interviews the requirements of the safeguarding adult procedures and disciplinary procedures of the service provider would both need to be adhered to. (See appendix one for guidance in conducting interviews).
- iv. In all of the above scenarios it is important that the employee/alleged source of harm receives fortnightly keeping in touch correspondence from the safeguarding and/or the disciplinary managers involved to provide an up-date on the status of the investigation,

9.7 Disciplinary Hearing Process

- 9.7.1 If the findings cause sufficient concern to take the matter forward to a disciplinary hearing, the timing of the hearing is a decision for the relevant employer and will depend on the specific circumstances of the situation.

N.B. Consideration should be given as to whether the decisions or findings within the safeguarding adults' process may potentially affect decision making within the disciplinary process and should be taken into account before any employment decisions are made. Such decisions will need to be reached on a case by case basis.

- 9.7.2 Disciplinary hearings will be focused on the conduct of the individual as an employee. Decisions reached should however also give due consideration to the organisation's responsibility to safeguard adults at risk.

¹. Care and Support Statutory Guidance, DOH 2014

². National Framework for Reporting and Learning from Serious Incidents Requiring Investigation, NPSA 2010

9.7.3 Employers who are also service providers or service commissioners have not only a duty to adults at risk of abuse but also a responsibility to take action in relation to the employee when allegations of abuse are made against him or her. *Employers should ensure that their disciplinary procedures are compatible with the responsibility to protect adults at risk².*

9.7.4 For these reasons, it is necessary for the disciplinary hearing process to:

- Develop an understanding of the safeguarding adult issues that have emerged during the investigation.
- Reassure itself that it is acting proportionately to the risk of abuse occurring or reoccurring
- Understand the potential impact of disciplinary decisions on the adult at risk and other service users
- Assure itself that staff are safe to work with adults at risk and where needed detail the measures required to provide this reassurance
- Consider the need to seek advice from their organisational safeguarding adult lead in relation to the impact of their decisions on the adult at risk.
- Understand and act upon the organisations responsibilities to refer individual staff members/volunteers to professional regulatory bodies and make referrals to the Disclosure and Barring Service, where appropriate. NB It is the responsibility of the Investigating Manager to make a referral to the Disclosure and Barring Service with the support of Human Resources.

10. Co-ordinating Multiple and Complex Safeguarding Adult Enquiries/Investigations

10.1 This document's aim is to address the interface between safeguarding adult enquiries with other investigation processes. As can be seen the most common investigations carried out along safeguarding adult enquiries are criminal and disciplinary investigations. However, there may be incidents whereby other investigations may be required, other examples may include:

- Health and Safety
- Trading standards
- Internal Fraud
- Charity Commission

10.2 Any number of safeguarding adult enquiries or investigations may be initiated depending on the safeguarding concerns or incidents. On these occasions the Safeguarding Manager will play a crucial role in establishing and co-ordinating within the safeguarding adult planning discussion/meeting which safeguarding enquiry or

¹. Care and Support Statutory Guidance, DOH 2014

². National Framework for Reporting and Learning from Serious Incidents Requiring Investigation, NPSA 2010

other investigation process will need to take precedence over another.

11. Sharing of Information

- 11.1 A safeguarding adult enquiry may be informed by other investigative processes.
- 11.2 The information received from other safeguarding adult enquiry / other investigation processes must however be evaluated by the Safeguarding Adult Enquirer, who will need to assure themselves that the service provider's investigation has been robust, form their own view as to the occurrence of abuse or neglect and the protection planning needs of the adults at risk. Further safeguarding adult enquiry activities may be required by the Safeguarding Enquirer to ensure the scope and objectives of the safeguarding adult enquiry have been met.
- 11.3 Sharing of information will provide for effective and efficient inter-agency working. However, the sharing of information must be in accordance with the South Yorkshire Safeguarding Adults Procedures Guidance on Information Sharing located www.doncaster.gov.uk/safeguardingadults and advice sought from internal organisational Information Governance Leads as required. The Safeguarding Manager will need to be clear, in any request for information, as to how that information will be subsequently used and shared.
- 11.4 Additional guidance on information sharing can be located at:
- HM Government (2008) - Information sharing – guidance for practitioners and managers www.education.gov.uk
 - Information Commissioner's Office - www.ico.gov.uk
 - South Yorkshire Procedures Safeguarding Adults Information Sharing Guidance www.doncaster.gov.uk/safeguardingadults

12. Roles and responsibilities

12.1 Safeguarding Manager

The Safeguarding Manager is responsible for overseeing the safeguarding assessment and its outcome. This role will include:

- Making decisions in accordance with the view, wishes, feelings and beliefs of the adult at risk on the need to undertake safeguarding adult enquiries, or identifying alternative responses

¹. Care and Support Statutory Guidance, DOH 2014

². National Framework for Reporting and Learning from Serious Incidents Requiring Investigation, NPSA 2010

- Consulting the Police regarding all safeguarding adult concerns, unless it is clear that no crime has been committed
- Consulting with the alleged source of harms' line manager on a fortnightly basis where a Disciplinary investigation is in process
- Convening and chairing safeguarding adult planning meetings/discussions, including the agreement of responsibilities, actions and timescales
- Coordinating and monitoring safeguarding adult enquiries
- Overseeing the convening of safeguarding adult outcome meetings and the appointment of an independent Safeguarding Adult Outcome Meetings Chair.
- Recording all safeguarding adult decisions, along with the process undertaken to arrive at them
- Appointing a Safeguarding Enquirer and monitoring and managing their work
- Informing the source of harm's line manager of the Safeguarding Adults outcome where a disciplinary investigation is in process.
- Understand and act upon responsibilities to refer individual staff members/volunteers to professional regulatory bodies and make referrals to the Disclosure and Barring Service, where appropriate

12.2 Safeguarding Enquirer

This role will include:

- Coordinating the collection of information about the alleged source of harm, abuse or neglect
- Interviewing the adult/s at risk and witnesses
- Interviewing the alleged source of harm
- Collecting evidence (including information received from other investigative processes where appropriate) in order to form a view about whether abuse has taken place and what may be in an effective protection plan

^{1.} Care and Support Statutory Guidance, DOH 2014

^{2.} National Framework for Reporting and Learning from Serious Incidents Requiring Investigation, NPSA 2010

- Working alongside Police/other professional to support the adult at risk and/or assist in the coordination of other identified support services
- Producing and presenting information in a report to a safeguarding adult outcomes meeting

12.3 Staff Conducting other Types of Investigation

The roles include:

- Carrying out the respective investigation in accordance with their organisation's statutory and legal responsibilities
- Sharing information with the Safeguarding Manager / Safeguarding Enquirer in accordance with the South Yorkshire Procedures information sharing guidance.

^{1.} Care and Support Statutory Guidance, DOH 2014

^{2.} National Framework for Reporting and Learning from Serious Incidents Requiring Investigation, NPSA 2010

GUIDANCE ON CONDUCTING A SAFEGUARDING ADULT INTERVIEW WITH A MEMBER OF STAFF WHO MAY BE THE ALLEGED SOURCE OF HARM

This process should be carried out alongside organisational disciplinary policies and procedures.

Safeguarding adult enquiries are carried out by professionals who have undergone Safeguarding Adults Enquirer Training, and who have experience of working as a professional for 3 years. Where there is a parallel investigation process and it has been agreed at the safeguarding adult planning meeting/discussion that joint interviews will take place, the Safeguarding Enquirer may be accompanied by that investigator.

Context in which the safeguarding enquiry is carried out

Prior to a safeguarding adult enquiry a safeguarding planning meeting/discussion will have taken place with all interested parties. From this an agreement will be obtained in relation to:

- who is leading the safeguarding adult enquiry
- Whether another investigation process (i.e. disciplinary, serious incident etc...) is to take place and who the lead investigator for that is
- the type of safeguarding adult enquiry
- which agencies will be involved in the safeguarding adult enquiry and other investigation (single agency or joint or multiple depending on the circumstances of the concerns)
- who will attend to support the staff member at the interview stage
- clarity around roles and actions to be carried out
- what information will be shared and with whom
- agreement on time frames

All of the above will inform the safeguarding adult enquiry and other investigation plans

The Interview Process

Planning the interview

- It may be helpful to liaise closely with the organisations safeguarding manager/ safeguarding adult lead (because of their level of expertise in the field of questioning).
- Consideration needs to be given to the fact that some adults at risk/ witness interviewees may not wish the alleged source of harm to know that they have spoken about some or all of the detail they have disclosed/discussed during their interview, due to the potential repercussions from the alleged source of harm. In these situations a balanced approach may be required in order to establish the

¹. Care and Support Statutory Guidance, DOH 2014

². National Framework for Reporting and Learning from Serious Incidents Requiring Investigation, NPSA 2010

best outcomes for the adult at risk and of the safeguarding adult enquiry and other investigation process.

- If the details are of a crucial nature to the safeguarding adult enquiry or the other investigation and it would be helpful to put these to the alleged source of harm, in the first instance this will need to be discussed with the adult at risk/witness interviewees. If they do not want this to be disclosed due to fear of repercussions, organisational or legal advice will need to be sought before the material is disclosed.
- Prior to an interview, unless this is an emergency, the interviewee should be offered the opportunity of being accompanied by a colleague, or a trade union representative or a representative of a professional body where appropriate.

Conducting the interview

- The interviewee should be informed of the basis of the safeguarding adult enquiry and other investigation (i.e. it is being conducted on behalf of the statutory Safeguarding Adults Board which is set up as part of the Care Act 2014).
- The interviewee will be asked to sign a consent form to allow the sharing of information with other agencies as appropriate.
- The interviewee should be informed of the extent of confidentiality i.e. that information will be shared with other agencies including the Police who may take their own action and that all agencies have a duty to share this information with regulatory bodies if this is relevant. (South Yorkshire Procedures Information Sharing Guidance)
- The interviewee cannot be forced to answer questions, but the safeguarding adult enquiry and other investigation reports may take into account any refusal to do so and the rationale behind any refusal. This inference should be explained to the interviewee.
- The interviewee should be informed that notes will be taken during the interview and following this interview a report will be sent to them of the discussion (as a factual matter) with an invitation for them to comment on the facts.

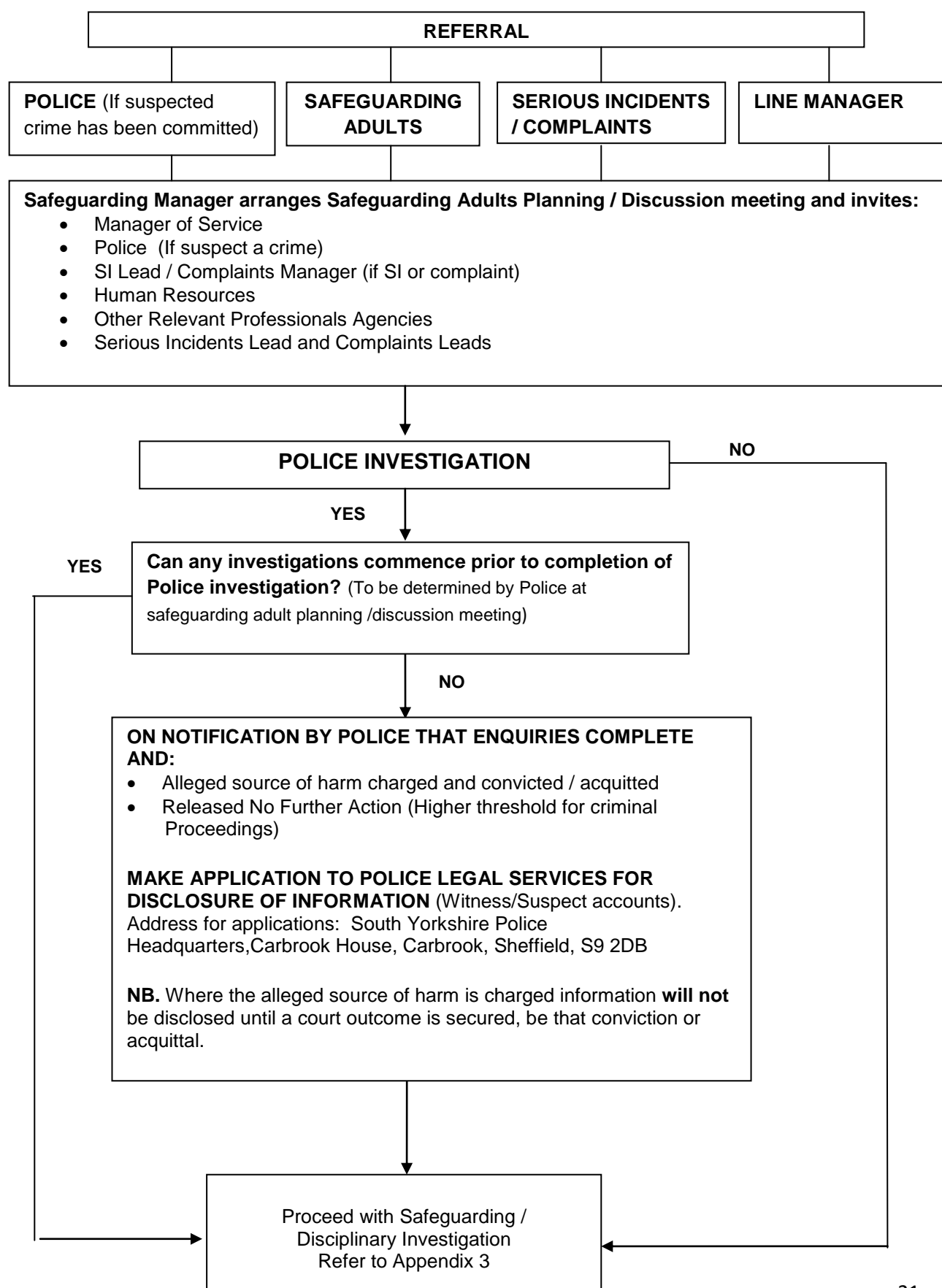
After the interview

- A copy of the interview report (redacted as appropriate) will be sent to the alleged source of harm prior to going to Safeguarding Adult Outcome Meeting. As stated above, this is for them to have an opportunity to comment on the facts
- The report will be shared within the context of the Safeguarding Adult Outcome Meeting

¹. Care and Support Statutory Guidance, DOH 2014

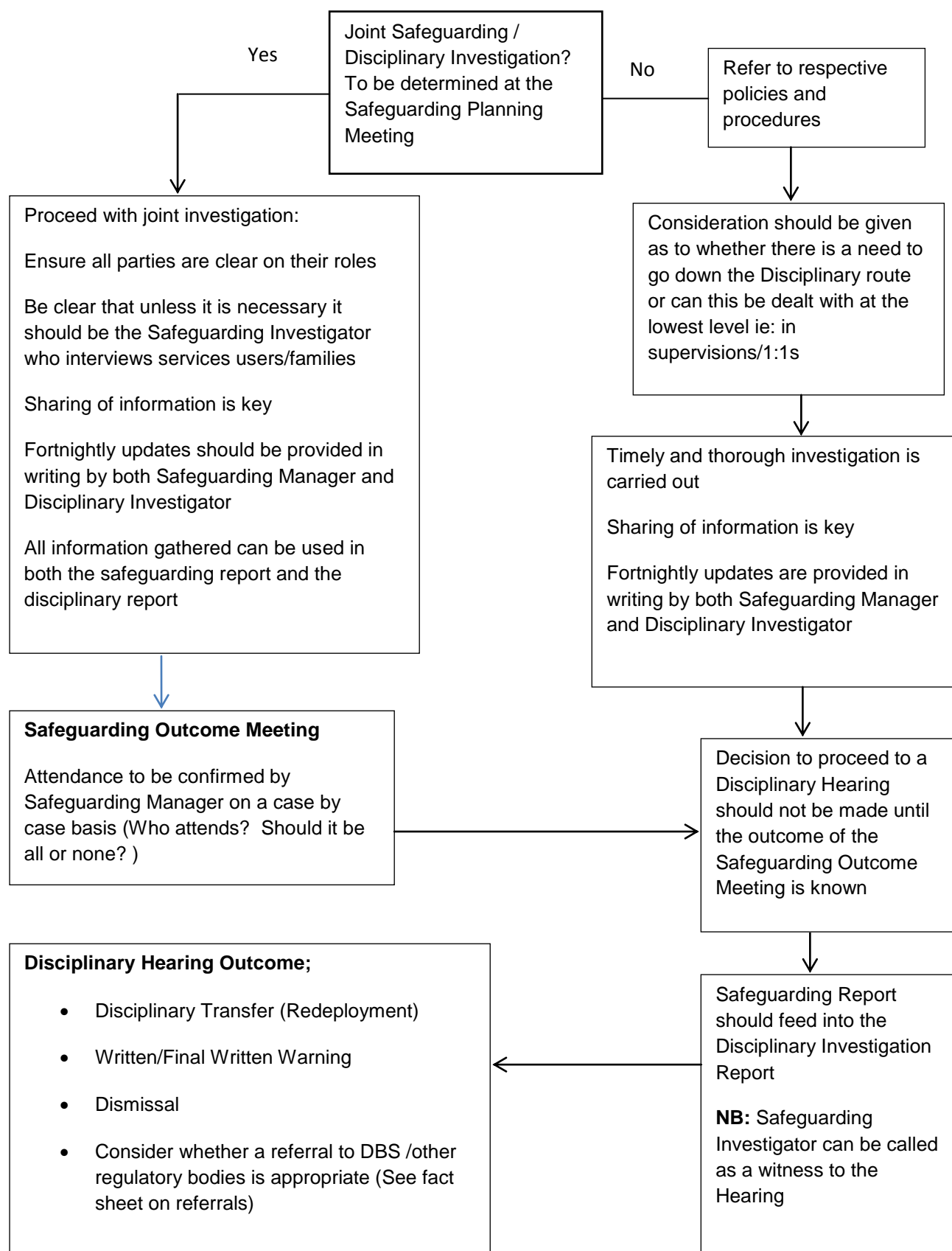
². National Framework for Reporting and Learning from Serious Incidents Requiring Investigation, NPSA 2010

Safeguarding Adults Allegations Against Staff Flowchart



². National Framework for Reporting and Learning from Serious Incidents Requiring Investigation, NPSA 2010

Safeguarding Adults / Disciplinary Flowchart for Allegations Against Staff



^{1.} Care and Support Statutory Guidance, DOH 2014

^{2.} National Framework for Reporting and Learning from Serious Incidents Requiring Investigation, NPSA 2010

Appendix 4

Version	Date	Brief Summary of Changes	Author
2.0	10.11.15	<p>Changes to reflect renaming of Board (removal of Partnership)</p> <p>Changes to reflect renaming of safeguarding adults terminology as described in the Care Act 2014 i.e. safeguarding enquiries from investigations, adults at risk from vulnerable adults.</p> <p>Clarity in relation to priority of enquiries and investigations.</p> <p>Flow chart amended to refer to internal organisations Disciplinary Processes</p> <p>Clarified the role of Human Resources and the source of harm's line manager.</p> <p>Clarified both the Line Manager and Safeguarding Adults responsibility to refer to Disclosure and Barring Service</p> <p>Strengthened the need for the Line Manager and Safeguarding Manager to set up fortnightly meetings to inform on progress.</p>	Doncaster Safeguarding Adults Board

¹. Care and Support Statutory Guidance, DOH 2014

². National Framework for Reporting and Learning from Serious Incidents Requiring Investigation, NPSA 2010