

Involving adults at risk and /or their representatives in the safeguarding process and appropriate management of safeguarding meetings

1. Taking part in the adult safeguarding process

Usually, when someone raises concerns about a possible incident of abuse, the adult at risk should be as fully involved as they want to be in the enquiry and ongoing process. Where they are unable to participate due to mental capacity issues, a close relative or friend should be identified to represent their views or a formal paid advocate should be commissioned. You should enable the adult or their representative to express what they want to happen and to decide on how closely they want to be involved for example attending meetings.

If adults with capacity to participate have substantial difficulty in being involved and have no one else to support them, you should commission a formal advocate for them.

2. Starting the safeguarding process following receipt of a safeguarding concern

The worker who is initially looking into the safeguarding concerns will usually start a conversation with the adult at risk, unless unsafe to do so. This is to establish the facts and find out the views, wishes and preferred outcomes of the adult at risk. If their initial outcomes are unrealistic or not achievable, the worker should manage expectations to something that is realistic and achievable. Without downplaying the adult at risk's strength of feeling or distress, the worker should explore with the adult at risk, their preferences. This conversation will, in a large part shape how the safeguarding enquiry goes ahead and any subsequent actions.

The conversations should enable the adult to understand what their options might be and how their wishes might best be realised. Where the person causing abuse is a family member, informal carer or another service user, the adult may need help to identify the options, what they really want to happen and what is possible.

There may be a wide range of options that could address the abuse. For example, action in respect of a formal care provider could include

- Disciplinary action against staff,
- Criminal investigations
- Work by contract managers and/or the Care Quality Commission (CQC) to improve care standards.)
- Additional training
- Extra supervision
- Acknowledgement that the service should have provided a better service and an apology to the adult

The views of the adult or their representative should be ascertained as far as possible ahead of all meetings so that all professionals at the meeting are aware of these and they

are kept at the forefront of everything that is discussed, irrespective of whether the adult or their representative is present.

There should also be discussion to ascertain the extent to which the adult wishes to be involved in the safeguarding process. This could range from being kept informed in person or over the telephone to attending the relevant parts of formal meetings.

The adult should be provided with information such as the general safeguarding leaflet for the public “You have a right to be safe from abuse” <http://www.salford.gov.uk/health-and-social-care/safeguarding-adults/> and the more detailed information sheet for adults at risk and their relatives about involvement in the safeguarding process. These should be provided in an appropriate format. Leaving this information with the adult/their representative should reinforce what has been discussed with them about the process and their options around how much involvement they would like.

In conclusion there should be a clear plan on how the adult at risk will be kept informed throughout any safeguarding intervention which is flexible according to the wishes of the adult over time.

3. Safeguarding meetings generally (but not including the strategy meeting- see section 4.1 below)

3.1 Managing meetings appropriately and effectively

Whilst encouraging/supporting the adult at risk to be part of meetings about them we have also to be careful that we do not share confidential information about third parties.

Therefore it is usual practice that meetings will have separate parts with different people included/invited in some parts but not others.

Usually the first part of the meeting will include all the professionals but not the adult or their representative. This is to ensure a free exchange of views and allow free professional discussion regarding the involvement of third parties or other confidential information. Where a care provider service is involved there may be identities of care staff that cannot be shared outside the part one of the meeting.

There may also be a case for a part one meeting if the information about the concern/enquiry is very unclear. The chairperson may ask the organisations involved to meet beforehand, in order to clarify matters and to achieve a reasonable consensus on what has happened based on the balance of probabilities test

In part two of the meeting, the chairperson can then clearly explain to the adult at risk and their supporter what the organisations believe has happened (even if there are disagreements).

Part two of the meeting can then focus on providing to the adult/their representative

- an overview of the findings of the safeguarding enquiry based on balance of probabilities
- an overview of actions taken to ensure that it does not continue to happen
- explanation of how the adults views and wishes have been considered throughout the enquiry process

- discussion of any on-going risk for the individual
- hearing the adults views in response to the findings
- hearing any on-going concerns and considering how these may be addressed

Generally, the more involved the adult at risk is, the more they are likely to feel part of the process and more in control. It can also help them better understand what the options are.

3.2 Supporting the adult/ informal family advocate within meetings

The chairperson of the meeting should ensure everyone is put at their ease and feel welcome and the person carrying out the enquiry should have also fully briefed the adult/their representative on what to expect, who will be there, what the ground rules are etc. and how best to participate in the meeting in advance

Adults at risk should also be advised they are welcome to bring a friend or family member to meetings to support them in an informal capacity. A supporter would not normally include someone acting in an official capacity such as a solicitor as this could distort the purpose and conduct of the meeting which is not a legal one. In addition other agencies attending might be inappropriately circumspect should the adult have legal representation at the meeting. There is further guidance on the role of the supporter

<http://www.partnersinsalford.org/asg-victim-support.htm>

3.3 Maintaining third party Confidentiality

Meetings are strictly confidential to the agencies invited. Lots of confidential information may be about third parties. As it is not possible to predict the content of information, it is standard practice for safeguarding meetings to be organised into two or on occasion three parts. This would involve a first part for professionals only with the adult then usually attending parts two or three

Part two or three should focus on the following areas

- an overview of the findings of the safeguarding enquiry
- an overview of actions taken to ensure that it does not continue to happen
- an explanation of how the adults views and wishes have been considered throughout the investigation
- discussion of any on-going risk for the individual
- hearing the adult's views in response to the findings
- hearing any on-going concerns they may have and considering how these may be addressed

The adult at risk, their representative or supporter attending part two of the meeting cannot be expected to keep information confidential in the same way as agencies. Therefore representatives should not be required to sign the confidentiality slip. The content of the meeting should in any case avoid discussion of confidential third party information

Part two of the meeting also may not need to include all parties which attend Part one.. Agreement should be reached in part one as to which agencies should attend part two.

3.4 Minutes of meetings

Minutes of meetings should normally be shared with all present/invited (where apologies have been received). This means the adult or their representative who attends part two should receive minutes for part two of the meeting **but not part one which may contain confidential third party information.**

Occasionally, minutes have to be shared with other parties not at the meeting. For example a coroner or other courts are entitled to request and be given copies where these are relevant to the courts functions. The limits of confidentiality may need explaining to families

3.5 Ensuring meetings are positive and constructive for all parties but especially the adult at risk/their representative

Ground rules for meeting have been developed and should be shared and discussed in advance where the adult wishes to attend, so they know what to expect and understand this.

Sometimes participants may disagree about something or have very strong feelings about an issue. Everyone present needs to feel able to express their views but to do this in a way that does not cause unreasonable offence to anyone present. The chairperson of the meeting has to be able to control the discussions so that everyone has the opportunity to have their say. The social worker or chairperson may feel it appropriate to remind participants of the ground rules before the meeting starts.

Where adults or their representatives are known to have strong feelings, the safeguarding chair may need to consider very carefully who to include in the part two of the meeting. On occasion a part three meeting may be required, for example where the presence of a care provider who has mismanaged a situation may be unnecessarily distressing or aggravating to an adult.

Generally the presence of the care provider should be helpful to the adult and a positive experience, enabling satisfactory closure. This will be the case for example where the adult has the opportunity to express their feelings openly, and the care provider has clearly understood and acknowledged this. Finally it can be a very positive outcome for the adult to hear from the care provider that they have addressed the causes and volunteers a sincere apology for the harm done.

Professional judgement will always be required when deciding who best to involve or not in part two of a meeting and whether a part three is needed

4. The safeguarding process, meetings and how best/when best to involve the adult purpose

4.1 Strategy meetings

The strategy meeting usually takes place early on before a full formal section 42 enquiry or investigation takes place.

Strategy meetings need to be arranged quickly as time is of the essence in protecting individuals and sorting out who is doing what. The chairperson will let the adult at risk know what happened at the meeting, if they are unable to attend and are happy for the feedback. It is normally a professional only meeting with the purpose being

- to ensure the individual is as safe as possible from any further abuse via the protection plan
- to ensure all other adults at risk are safe from abuse if appropriate
- to ensure that the views and wishes of the adult at risk are central to any enquiry or investigation
- to identify the best way of making enquiries in each case
- to clarify specific information the person leading the enquiry needs to be aware of and sensitive to:
- to establish and agree which professional/ agency is most appropriate to look into different aspect of the safeguarding issue and lead the enquiry;
 - For example, if it appears a crime has been committed then the police will normally lead.
 - If the concern is about a pressure sore then a nurse might be best placed to provide an expert opinion on this.
 - If the abuse related to care provided in a care home, the manager of the care home might be the best person to lead, as long as everyone else was happy that the manager could look into the matter objectively
 - Another consideration may be about which agency/ individual has the closest trusting relationship with the adult

Where a strategy has been agreed over the telephone, or other agencies (apart from Adult Social Care) are not involved, a 'virtual strategy meeting' may be sufficient.

The adult at risk is not usually invited to a strategy meeting as the focus of this meeting is to decide which professional is best placed to undertake the enquiry. For the purposes of the strategy meeting, the worker that has already met/ spoken with the adult or their representatives is responsible for ensuring the views of the adult are highlighted and considered.

Where an individual or their representative wants to be involved in safeguarding meetings it is usually more important to attend the case conference.

Occasionally, where the adult particularly wants involvement in deciding the strategy, it may be appropriate to include them in the strategy meeting. This will require the meeting to be arranged in two parts with the adult attending the part two to avoid the risk of confidential third party information being inappropriately shared.

4.2 Section 42 Enquiry report

Following the strategy decision, the formal enquiry process should follow. As part of this the adult at risk's views and comments, including the outcome they have identified, should be clearly indicated in the Section 42 report.

The report and recommendations of the enquiry should be discussed with the adult at risk and / or their advocate, irrespective of whether they wish to attend the case conference. The adult's views about the report including the extent to which it addresses all those aspects that are most important to them should be recorded and taken into account.

4.3 Case Conference

This is the meeting where the outcome of a safeguarding enquiry is discussed. The case conference usually takes place four to six weeks after the strategy meeting at the point the section after the section 42 enquiry has completed.

This is where it is decided if abuse took place or there was another explanation. For example, although serious pressure sores may be the result of neglect, there can also be situations where they could have developed innocently due to the individual's medical condition. The enquiry process may establish the care provided has been as good as it possibly could have been and pressure sores could not have been prevented.

The standard of proof in safeguarding is whether, **on the balance of probabilities**, abuse or neglect happened. It is less than the standard required by the courts which is **beyond reasonable doubt**.

This is because where it is probable but not proven that neglect or abuse has happened, it may still be necessary to act to protect the adults at risk.

In some circumstances it may not be possible to come to a firm conclusion either way. Whatever the outcome, this should be explained to the adult at risk or their representative either at or shortly after the meeting.

4.4 Case conference review

There should always be progress to report at a case conference meeting. However, if it is clear that more work/enquiries are needed before a decision can be made, there will be a need to conclude the case conference and agree a date for a case conference review.

Quite commonly case conference reviews may be required where the police are leading an enquiry, if there may be lots of different issues to resolve, especially when building a criminal case, so these meetings can occasionally continue over a prolonged time span.

The case conference review otherwise follows the same processes and principles as the case conference. Again the adult should have the option to attend a part 2 of the case conference review or as a minimum be informed it is taking place and afterwards regarding its outcome, so they remain well informed about where the matter has progressed to and why it isn't yet completed.

4.5 Ending the safeguarding process

Evaluation by the adult at risk should always take place at the end of the safeguarding process so that

- they are clear what has happened
- they understand the enquiry process has now ended
- they have the opportunity to reflect on how far their desired outcomes were met
- they are able to say whether the safeguarding work has resulted in them feeling safer than they did when the concern was first raised
- any other outstanding concerns or issues they have are discussed and addressed

It may be possible to address the above matters in part two of the concluding safeguarding meeting but where the adult has not wanted to be part of any formal safeguarding meeting

this discussion should take place with the adult in their own home or other venue of their choice.

The views of the adult at the end of the process should be recorded in the “personal outcomes concluded” section of the adult safeguarding document prior to full signing off of the document as part of evidencing the inclusion of the adult and their views throughout and at the end of the full safeguarding process