



Using Professional Judgements in Safeguarding Adults

Guidance for Professionals

Document Control

- **Ratified by WSAB** Date
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Revision History

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Using Professional Judgements in Safeguarding Adults

1.0 What is safeguarding adults?

Safeguarding means protecting an adult's right to live in safety, free from abuse and neglect. Safeguarding involves people and organisations working together to stop abuse and neglect occurring, and intervening effectively in situations if we do see abuse taking place.

2.0 When should a safeguarding concern be reported?

Safeguarding does not mean protecting every adult from every kind of harm or risk to their own personal safety.

The Care Act 2014 tells us that statutory safeguarding responsibilities only apply in specific circumstances, where there is concern that an **adult with care and support needs**, is **experiencing or at risk of neglect or abuse**, and as a result of their care and support needs, they are **unable to protect themselves**.

3.0 What does 'Care and Support Needs' mean?

An adult with care and support needs is a person over 18 years of age who:

- Has a learning disability
- Has mental health needs including dementia or personality disorder
- Has a long term illness
- Has a physical disability
- Misuses alcohol or drugs
- Is elderly and frail due to ill health, disability or cognitive impairment,

and

- requires extra help to manage their lives and to be independent.

Mental ill-health - *If an adult's mental health is in crisis (e.g. suicidal thoughts or actions, or taken an overdose) then these issues should be addressed by referral to the appropriate health professional for treatment (e.g. GP, Mental Health professional or A&E). These circumstances should not be referred to Adult Social Care.*

If you have a general concern about the patient's mental ill health, consideration of appropriate safety netting should be made.

4.0 When does 'poor care' become 'neglect'?

There is no simple answer to this. The Care and Support Statutory Guidance makes it clear that, in regulated settings at least, there are usually options other than safeguarding for dealing with quality of care issues.

Anything that is indicative of failure to meet the following:

- I am valued and treated with dignity;
- I receive support which is person-centred;
- I am supported to live as independently as I am able / wish;
- I am encouraged, and am able, to contribute towards the way my care is delivered;
- My health and well-being are promoted and maximised;
- I am supported to maximise my economic well-being;
- I am supported to take part in my local community;
- The personal outcomes, which I want to be met by the service, are achieved;
- My safety and security are maintained;
- Staffing and management arrangements enable a safe and quality service to be delivered to the patient / adult/customer.

Concerns regarding the above in should be reported to carequality@worcestershire.gov.uk.

Concerns regarding the above in nursing homes, hospitals or from community health based staff or other health services should be reported to RBCCG.Qualityfeedback2CCG@nhs.net

5.0 Consent to report a safeguarding concern

Consent from the adult must be sought before a safeguarding concern is reported.

There may be occasions when you need to report a concern without the adult's consent; for example :

- If you suspect the adult is being coerced or bullied into refusing support
- If waiting to get their consent would put them at further risk
- If there is a risk to others
- If it is necessary to prevent crime or if a crime may have been committed

In these circumstances you **must** report your concern.

- If the adult is assessed as lacking mental capacity to understand the risks they face you need to make a best interests decision regarding reporting the concern on behalf of the adult.

The adult should always be told of your decision to report the concern and the reasons for this, unless telling them would put their safety, or the safety of others, at risk.

The key issue in deciding whether to report a concern without the consent of the adult will be the level of risk of harm to the adult (or to any other adults who may have contact with the person or organisation causing the risk of harm.)

6.0 Making Safeguarding Personal

Helping people to make their own decisions about the way they live and the care they receive is fundamental good practice. It gives people better outcomes and an improved sense of wellbeing. Our approach to safeguarding should be no different; safeguarding should not be a process we apply to people, but instead has to be something we do with them, on their own terms. Any adult with care and support needs should be in a position to confidently say:

I get help and support to report abuse or neglect

I am asked my opinion if there are concerns that I am at risk

I feel listened to and what I say is taken seriously

"No decision about me without me"

I am asked my views and this directly informs what happens next

I know that decisions are made in my best interest when I lack capacity to make them, and that this is explained to me

I am given the information I need, in the way that I need it

7.0 Using Your Professional Judgement

SEE IT

Recognise what you are seeing or hearing may be potentially abusive or neglectful

TALK TO THE PERSON

Make safeguarding personal: share your concerns with the person. Ask them what they want to happen.

MAKE A JUDGEMENT

Consider what the person wants.
Consider their mental capacity.
Consider level of risk.
Consider who else may need to be informed.
What options are open to you?
Do you need to take advice? – Speak to your Safeguarding Lead.
If in doubt, ring the Adult Safeguarding Team on 01905 843189

either

or

or

REPORT TO THE POLICE

In an emergency ring 999.
If you think a crime has been committed call 101

TAKE ALTERNATIVE ACTIONS

Record what you have done and why.
WSAB fully supports defensible decision making by partner agencies

REPORT YOUR CONCERN TO THE LOCAL AUTHORITY

For details on how to do this go to
<https://ylyc.worcestershire.gov.uk/information-and-advice/adult-safeguarding/>

DISAGREEING WITH SAFEGUARDING DECISION

If you disagree with the Safeguarding decision have a professional discussion to resolve the issue.
If necessary:

8.0 Examples of issues that do not need to be reported to safeguarding:

Adult has been having dizzy spells in past 14 weeks. Has had a fall today. Fainted earlier.

No evidence of abuse or neglect. Referral to GP needed

Adult's niece is concerned that the adult has deteriorated physically over the last two weeks and she is not coping. The adult currently lives alone and has no official carers but there is a neighbour that goes in and does shopping

No evidence of abuse or neglect. Professional referral for social care assessment needed as may require advice / information / further support.

While undertaking personal care, staff noticed a big bruise on the adult's left rib cage. Cause of bruising is unknown.

Not enough information provided to determine whether there is evidence of abuse or neglect.

Adult had been discharged from one care setting to another with a reported Grade 2 pressure sores but nurses attending to wounds within 72 hours of discharge assessed as Grade 3-4.

No evidence of abuse or neglect. Treatment provided. Report as Serious Incident to the care facility they have been discharged from and to the relevant Quality Team (see page 2).

Adult lives alone and has been quite forgetful for a while. Her memory has deteriorated following the recent death of her husband. She is currently recovering from a pelvic fracture. Adult is not coping well with managing medication and has been taking more than directed, she has no family help. She has given consent for safeguarding

No evidence of abuse or neglect. Professional should refer for social care needs assessment as further support required.

Patient has been given her medication twice in 15 minutes in error. No further information provided eg actions taken / impact.

No evidence of abuse or neglect. Employer to manage under disciplinary procedures.

Adult got her nightie and put it around a carer's neck and pulled hard. Other carer had to get her off her. Adult is verbally and physically aggressive with care staff.

No evidence of abuse or neglect of adult. Employer to address risk to staff.

Adult has services provided with four calls per day. The family haven't been managing due to deterioration in the last few days. The adult has missed medication as he is not able to take them. The District Nurse believes his condition was due to the constipation problems, which they are trying to manage. An ambulance response was arranged due to adult's symptoms

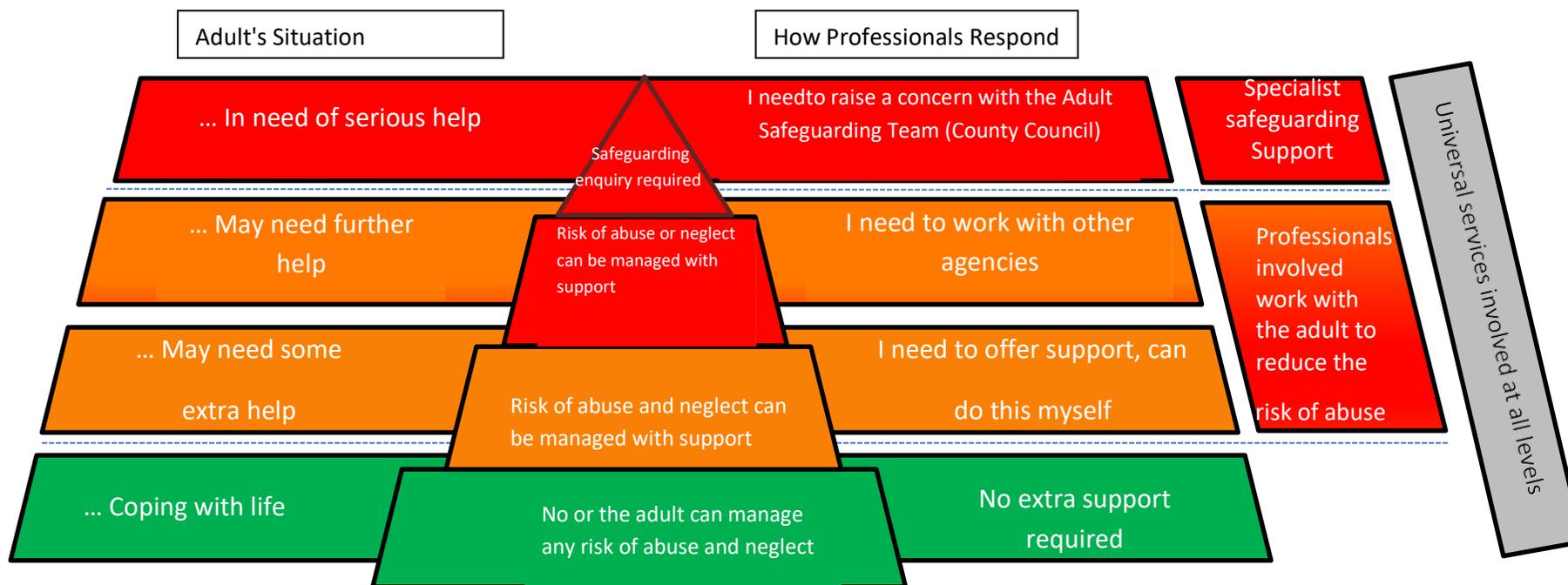
No evidence of abuse or neglect. Professional referral for needs assessment needed as requires review of management of medication.

Adult was found on the floor in their room, it appears she slipped off her chair. Staff attended checked over and called out GP. GP felt that there was no injury. Adult continued to complain of pain so the GP was called out a further 2 times. On the third visit the GP agreed to send her for an x ray. She had fractured her pelvis.

No evidence of abuse or neglect. CQC regulation notification required with a copy forwarded to the CCG if in a regulated service.

This list is not exclusive and is designed to give an indication of the types of concerns that have incorrectly been raised as safeguarding adults issues.

9.0 Does this situation need a Safeguarding Response under Section 42 of the Care Act 2015?



Is the adult experiencing or at risk of abuse or neglect?

10.0 Policies and procedures

Safeguarding adults: Multi-agency policy and procedures for the protection of adults with care and support needs is available at: <http://www.worcestershire.gov.uk/wmaspp>

Other multi-agency policies and procedures are available at: <http://www.worcestershire.gov.uk/wsab>

11.0 Raising a concern

All concerns regarding the abuse or neglect of adults with care & support needs should be reported to Worcestershire County Council Adult Safeguarding Team via the online form on the Your Life, Your Choice website.

Follow the link: <http://ylc.worcestershire.gov.uk> and press 'Report abuse or neglect' to access the form.

Safeguarding concerns can also be reported to the Access Centre on **01905 768053**

Advice should be sought from your manager/agency safeguarding lead. If required, advice can then be sought from the Adult Safeguarding Team on 01905 843189.

If the abuse or neglect is very serious, or a criminal offence has occurred or may occur, contact the Police immediately.

Reporting a crime to West Mercia Police:

To report abuse or raise a concern about a crime, dial non-emergency - **101**.

If a crime is in progress or life is at risk, dial emergency - **999**.

Then make the referral to the Adult Safeguarding Team as above.

Domestic abuse:

Adults experiencing domestic abuse should be referred to the Police.

Adults with care and support needs experiencing domestic abuse should be referred to the Police and Adult Social Care (as an Adult Safeguarding Concern.)

Safeguarding concern about a child:

If a child is identified at being at risk of harm, refer to Children's services as soon as possible.

Worcestershire Children's Services - **01905 822666**

Or visit http://www.worcestershire.gov.uk/info/20383/are_you_a_professional_worried_about_a_child

Referral for adult social care support

If there is a concern that the adult needs additional support to live independently refer for a social care assessment - <http://ylc.worcestershire.gov.uk>

Concern about the quality of care provision

If there is a concern about the quality of care provided within a service report the concern to the Quality Assurance and Compliance Team on carequality@worcestershire.gov.uk

Concerns regarding the quality of a health service should be reported to RBCCG.Qualityfeedback2CCG@nhs.net

Serious Incidents should be reported as per your organisation's process