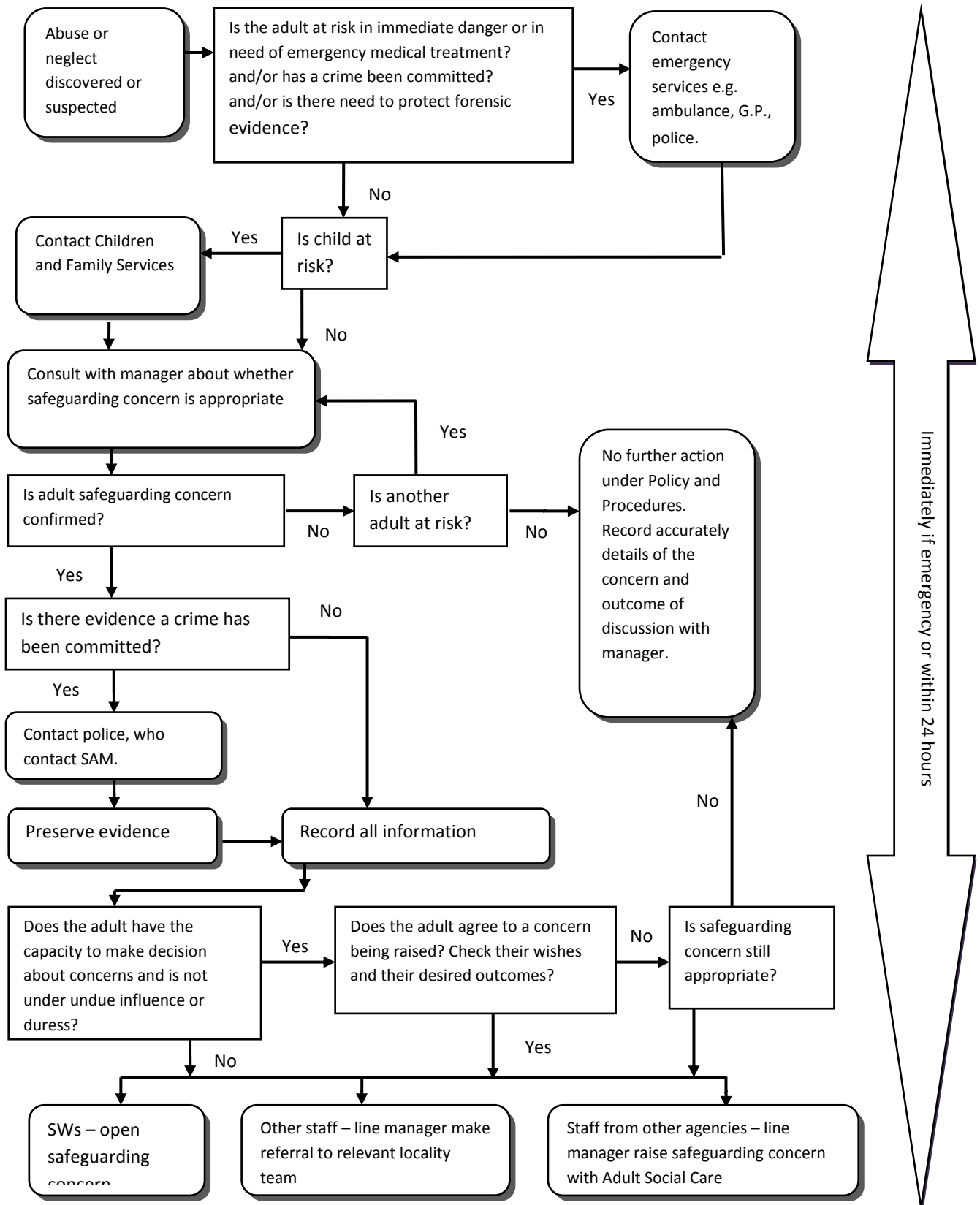


## Stage One: raising a concern

### Flow chart: raising a concern



**Timescale:** *Immediately if an emergency but within one day in other cases.*

## **Purpose**

The purpose of raising a concern is to protect an adult who is at risk or may be at risk of abuse. An adult safeguarding 'Concern' is when anyone raises a concern about possible abuse or neglect within their organisation or within the community.

This section applies to all staff in all agencies. All staff from any service or setting who have contact with adults at risk have a responsibility to be aware of issues of abuse, neglect or exploitation. (**Please Note:** This includes personal assistants paid for from direct payments or personal budgets.)

### **All staff:**

- You have a *duty to act* in a timely manner on any concern or suspicion that an adult who is vulnerable is being or is at risk of being abused, neglected or exploited and to ensure that the situation is assessed and investigated.

## **What is a concern?**

An adult safeguarding concern is any concern about an adult who:

- has needs for care and support (whether or not the local authority is meeting any of those needs), and
- is experiencing, or at risk of, abuse or neglect, and
- as a result of those care and support needs is unable to protect themselves from either the risk of, or the experience of, abuse or neglect.

A concern may be:

- a direct disclosure by the adult at risk
- a concern raised by staff or volunteers, others using the service, a carer or a member of the public
- an observation of the behaviour of the adult at risk, of the behaviour of another person(s) towards the adult at risk or of one person towards another.

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## **Factors to consider when raising a concern**

- **How vulnerable is the adult at risk? What personal, environmental and social factors contribute to this?**
- **What is the nature and extent of the abuse or neglect?**
- **Is the abuse or neglect a real or potential crime?**
- **How long has it been happening? Is it a one-off incident or a pattern of repeated actions?**
- **What impact is this having on the person? What physical and/or psychological harm is being caused? What are the immediate and likely longer-term effects of the abuse or neglect on their independence and wellbeing?**
- **What impact is the abuse or neglect having on others?**

- What is the risk of repeated or increasingly serious acts involving the person causing the harm?
  - Is a child (under 18 years) or other vulnerable adult at risk?
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## Responsibilities of the person raising the concern

### *Practitioner:*

1. Make an evaluation of the risk and support the adult at risk to make decisions about their safety and any immediate danger. If you assess that they do not have capacity to make such decisions, then make a best interests decision.
2. Arrange any medical treatment. (Note that offences of a sexual nature will require expert advice from the police.)
3. If a crime is in progress or life is at risk, dial emergency services - 999.
4. Encourage and support the adult to report the matter to the police if a crime is suspected and not an emergency situation.
5. Take steps to preserve any physical evidence if a crime may have been committed, and preserve evidence through recording.
6. Ensure that other people are not in danger.
7. Where possible, inform your line manager immediately of any concerns or disclosures. If you are concerned that your line manager has abused an adult at risk, you must inform a senior manager in your organisation, or another team manager.
8. Record accurately the information received, risk evaluation and all actions. Keep any contemporaneous notes.
9. Council staff: Record details of the concern on the **Safeguarding Adults Assessment form** on AIS.  
Non-Council staff: Complete the **Safeguarding Adults Concern form** on the Council website.



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## Responding to a person making a disclosure

- Speak in a private and safe place.
- Assure them that you are taking them seriously.
- Listen carefully to what they are telling you, stay calm, and get as clear a picture of the basic facts as you can, but avoid asking too many questions at this stage. Do not be judgmental or jump to conclusions.
- Ask them what they would like to happen and what they would like you to do. If there are concerns about their capacity to make these decisions, follow Mental Capacity Act procedures.
- Do not give promises of complete confidentiality. Explain that you have a duty to tell your manager or other designated person, and that their concerns may be shared with others who could have a part to play in protecting them.

- Explain how the person will be involved and kept informed.
  - Explain that you will support them to make decisions to keep themselves safe from further abuse or neglect. Put in place any necessary care and support arrangements.
  - If they have specific communication needs, provide support and information in a way that is most appropriate to them. Decide whether an advocate may be required.
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### **Making a decision to share information or intervene without consent**

**Practitioner:** Normally, you reach agreement with the adult at risk whether to intervene and the reasons, unless discussing it with them would jeopardise their safety or the safety of others.

If you assess the adult at risk as not having capacity to make a decision about their own safety or to consent to sharing information or agreeing to intervention, follow safeguarding procedures in their best interests if appropriate in accordance with the provisions set out in the Mental Capacity Act 2005.

The key issue in deciding whether to undertake a Section 42 enquiry is whether an adult is experiencing or is at risk of abuse or neglect. An enquiry will establish whether any action needs to be taken to prevent or stop abuse or neglect and by whom.

**If there is an overriding public interest or vital interest or if gaining consent would put the adult at further risk, you must raise a concern.**

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**Public interest – a decision about what is in the public interest needs to be made by balancing the rights of the person to privacy with the rights of others to protection.**

**Vital interest is a term used in the Data Protection Act 1998 to permit sharing of information where it is critical to prevent serious harm or distress or in life-threatening situations.**

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This would include situations where:

- other people or children could be at risk from the person causing harm (such as in a nursing home or if the concern is about a domiciliary carer)
- it is necessary to prevent crime
- there is a high risk to the health and safety of the adult at risk
- the person lacks capacity to consent.



Record on the **Safeguarding Adults Assessment form** in AIS any decisions about sharing information with other professionals and/or with lay people (for example, family members) and your reasons. Also record whether the adult at risk consents to providing a statement to the police (where relevant).

## Making a decision not to intervene

**Practitioner:** If the adult at risk has capacity and does not consent to information being shared or an intervention being made and there are no public or vital interest considerations, give them information about where to get help if they change their mind or if the abuse or neglect continues and they subsequently want support to promote their safety. Assure yourself that the decision to withhold consent is not made under undue influence, coercion or intimidation.



Make a record of the concern, the adult at risk's decision and of the decision not to intervene, with reasons. Document your assessment as far as possible. Keep in contact with the person concerned, and carry out an assessment if the adult at risk changes their mind and asks you to do so.

## Considering the person alleged to have caused harm

Do not discuss the concern with the person alleged to have caused harm, unless the immediate welfare of the adult at risk makes this unavoidable.

## Responsibilities of the line manager

**Manager:** Once the concern has been raised with you as the line manager by a member of your staff, you must decide without delay on the most appropriate course of action.

1. Clarify that the adult at risk has been supported to make decisions about their safety and any immediate danger, or, if it has been assessed that they do not have capacity to make such decisions, that a best interests decision has been made.
2. Address any gaps.
3. Check that issues of consent and mental capacity have been addressed.
4. Check that the person's views and desired outcomes have been sought.
5. In the event that a person's views are being overridden, check that this is appropriate and that the adult understands why.
6. Contact Children and Family Services if a child or young person is also at risk.
7. If the person allegedly causing the harm is also an adult at risk, arrange appropriate care and support for them.
8. Make sure action is taken to safeguard other people.
9. Take any action in line with disciplinary procedures, including whether it is appropriate to suspend staff or move them to alternative duties.
10. If a criminal offence has occurred or may occur, check whether the police force has been contacted.
11. Preserve forensic evidence and consider a referral to specialist services.
12. Consider whether to alert a senior manager about the case so that they can decide whether it should be put forward for a Safeguarding Adults Review (SAR) under Section 44 of the Care Act.
13. Record the information received and all actions and decisions on AIS.



You are responsible for:

- supporting any member of staff or volunteer who raised the concern
- enabling and supporting relevant staff to play an active part in the adult safeguarding process
- ensuring that any staff delivering a service to the adult at risk are kept up to date on a need-to-know basis and do not take actions that may prejudice the enquiry.

### **Emergency duty teams (EDT) and out-of-hours services**

If a safeguarding concern is raised which will need to be followed up out-of-hours, then inform the EDT via email making sure that you give them all the necessary details.

A provider wishing to raise a safeguarding concern out-of-hours can contact the EDT via email or via the main Council contact phone number.

***Emergency duty officers in the EDT:*** If a concern is raised with the EDT which indicates an immediate or urgent risk, take any immediate steps necessary to protect the adult at risk including arranging emergency medical treatment, contacting the police and taking any other action to ensure that the adult at risk is safe.

If you are responding to an emergency, be aware that other adults may also be at risk.

You are not responsible for an adult safeguarding investigation but it may be necessary to interview the alleged victim where:

- the allegation is serious, that is, life-threatening or likely to result in serious injury (in which case action would be coordinated with the police to ensure that any evidence is preserved)
- the concern is unclear and consent needs to be sought as well as what the adult wants to happen next
- there is a need to interview the adult at risk to ensure they can be safeguarded against further abuse if necessary.



Whether or not any immediate action is necessary, record the facts concerning the alleged abuse or neglect and pass all relevant information to the appropriate locality team on the next working day. If the case is already allocated, notify the allocated worker via AIS.