



Safeguarding Adults Fact Sheet 8

Safeguarding Adults Enquiry

Information for a person alleged to have caused harm

Who is this Fact Sheet for?

This fact sheet is provided for those individuals who have been named within a safeguarding allegation as potentially causing abuse or neglect to an adult at risk. In the Care Act this person is referred to as the 'person alleged to be responsible' (PAR).

When an allegation is made and progresses via the Bath and North East Somerset Multi-Agency Safeguarding Adult Procedures further safeguarding enquiries may be needed in order to find out what has actually happened and put an immediate safety plan in place.

The findings from the enquiry are used to decide whether abuse or neglect has taken place and whether the adult at risk needs an ongoing safety plan to keep them safe.

Having an allegation made about your actions can be difficult and stressful. You may have questions about how the allegations are being investigated and how decisions will be reached. This fact sheet is intended to answer frequently asked questions. It explains how safeguarding procedures might affect you and how you can expect to be treated.

There are a range of public information fact sheets that can tell you more about the safeguarding procedures. Please see the link at the end of this fact sheet for how to access them.

Key Roles

Safeguarding Worker – this is someone who works within either Virgin Care or Avon and Wiltshire Mental Health Partnership NHS Trust (AWP) and supports the adult at risk to express their views, finds out what they want as an outcome and generally pulls together all the information that may be required to reach a conclusion. This may include information from other agencies such as a care provider. The safeguarding worker will be responsible for agreeing a safety plan with the adult at risk. They may also have a role in identifying whether there are other adults who are potentially at risk of harm.

Independent Chair – the Chair (employed by Bath and North East Somerset Council) is involved in the safeguarding concern from the point of a decision being made to progress to an enquiry stage. The Chair will also facilitate any meetings/discussions that take place and lead decisions on the outcome of the enquiry.

How might a safeguarding Enquiry involve you?

The purpose of a safeguarding Enquiry is to protect the adult at risk. Its aims are to:

- establish the facts about an incident or allegation
- understand the risk of harm to the person
- understand how the person can be kept safe in the future

The Enquiry may involve interviewing people who have witnessed or have knowledge of the incident. This may include you. It might also involve reviewing records or policies and procedures.

Sometimes other investigations will also be needed under other procedures. For example, if a criminal offence is suspected the police may undertake an investigation, and if so, this will take priority. If the allegation concerns your role as an employee, then a disciplinary process may be required and this will be undertaken by your employer. There may also be a need for an internal incident investigation.

A safeguarding enquiry is separate from these, but often it is possible for organisations to work together so that people do not need to be interviewed more than once.

As the person alleged to have caused harm to an adult, you have to be treated fairly and have your confidentiality respected throughout the safeguarding procedures.

The following principles and responsibilities apply to your situation as the person alleged to be responsible:

- Know that you are the subject of a safeguarding allegation (irrespective of any other investigation, such as disciplinary investigation or criminal proceedings);
- There may be exceptional circumstances when you are not informed because to do so might put the adult at risk or they have stated they do not wish you to be informed (and they have the capacity to make that decision).
- You are informed in a timely manner consistent with the needs of the Enquiry.
- You are informed of the nature and content of the allegation
- You are informed that an Enquiry is being undertaken under safeguarding procedures into an incident involving your practice or conduct
- You have an opportunity to respond to allegations concerning your practice or conduct within an Enquiry (for example; through an interview) prior to completion of the Enquiry report
- You will have timely feedback about the outcomes of the Enquiry and the conclusion reached.

If you are being interviewed about the allegation you can have someone sit in with you for support if you find that helpful. If you have particular communication needs these will be provided for.

If you feel that the enquiry is not being undertaken fairly you can raise your concerns with the safeguarding worker. You can also raise concerns through the relevant organisation's complaints process.

How will I know about the findings from the Enquiry?

The findings of the enquiry will be reviewed and a decision made as to whether there is evidence, on the balance of probabilities, as to whether abuse or neglect has occurred.

Your views on the allegation and the enquiry findings will be included in this decision. You will be informed of decisions made.

A Review Meeting is held where it is helpful for all concerned to meet and discuss the findings of the enquiry. The meeting will include those people involved in undertaking the investigation or taking actions to keep people safe. It will also include the adult at risk. If an allegation has been made about your actions or practice, you may be invited. However, the decision to invite you will need to take account of the views and wishes of the adult at risk.

Information for employees and volunteers alleged to have caused harm.

If an allegation has been made about you in the course of your work then your organisation will need to provide you with support. This will need to include:

- supporting you to understand the procedures being followed
- being available to respond to your questions
- keeping you updated as appropriate

As well as support from your manager, you may also choose to seek support from family and friends or depending on your circumstances, a union representative, professional body/support network. Although the safeguarding adults procedures are non-legal in nature, some people may choose to seek advice from their solicitor. However, if you do so you should note that information about the adult at risk should not be shared as this is confidential.

If you are a volunteer, you may wish to contact organisations such as Community Volunteer Service B&NES 01225 338105 or a national voluntary organisation for advice or information. Similarly if you want to seek advice on your employment rights, you may wish to contact organisations such as ACAS (Advisory, Conciliation and Arbitration Service) or Citizens Advice Bureau (CAB).

If there is a need to make changes to your working arrangements whilst an allegation is investigated or subsequently, your manager will speak to you about this.

If your organisation is not aware of a safeguarding adults investigation concerning your actions at work or in your private life and you work with adults at risk, you should inform them as soon as possible.

Information for relatives/informal carers alleged to have caused harm

Where an incident has occurred unintentionally, for example, due to the extent of care demands on you, or your own needs as a carer, or your understanding of the person's care needs, it may be necessary to review the care and support needs of the adult at risk and your needs as a carer.

Decisions about who the adult at risk has contact with or receives support from, should be made by the adult at risk. If the person lacks mental capacity about these particular decisions, then a decision will be required in their 'best

interests' in line with the Mental Capacity Act. As part of this process it will be important and necessary to consider what the adult at risk's wishes were prior to losing capacity.

You may choose to seek support from family and friends or depending on your circumstances, an advocate, carer support group/network or someone else. Although the safeguarding adults procedures are non-legal in nature, some people choose to seek advice from their solicitor. However, if you do so you should note that information about the adult at risk should not be shared as this is confidential.

Information for adults with care and support needs alleged to have caused harm.

The purpose of the safeguarding adult procedures is to keep people safe.

If your actions have caused someone else to be harmed, then it will be necessary to find ways to keep them safe in the future.

There may need to be a decision about whether you have contact with them in the future, and if so, how often or how this is managed.

If the incident has occurred because you need more support or a different kind of support, then your needs and services will also be reviewed. This will be discussed with you. If you lack the mental capacity to make these decisions yourself, then a decision about your support needs will be made in your 'best interests' in line with the Mental Capacity Act 2005, taking your views and wishes into account.

You may choose to seek support from family and friends, or depending on your circumstances, your social worker, a formal advocate, carer, support group/network or someone else. Although the safeguarding adults procedures are non-legal in nature, some people choose to seek advice from their solicitor. However, if you do so you should note that information about the adult at risk should not be shared as this is confidential.

If you have questions about the safeguarding procedures please contact the safeguarding worker who will be happy to answer them.

For more information please see other available Fact Sheets:

- Fact Sheet 1 - Safeguarding Adults from Abuse and Neglect – types of adult abuse and what you can do about it
- Fact Sheet 2 - Safeguarding Adults from Abuse and Neglect – types of adult abuse and what you can do about it (Easy read version)
- Fact Sheet 3 - What Happens when Abuse or Neglect are Reported?
- Fact Sheet 4 - What is a Planning Meeting or Planning Discussion?
- Fact Sheet 5 - What is a Safeguarding Enquiry?
- Fact Sheet 6 - What is a Safeguarding Review Meeting?
- Fact Sheet 7 - Information for Relatives and Friends

- Fact Sheet 8 - Information for Those Alleged to Have Caused Harm

The Fact Sheets and the Bath and North East Somerset Adult Multi-Agency Safeguarding Policy and Procedures are available for anyone to read at:
<https://bcssp.bathnes.gov.uk/what-safeguarding>

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