

1. Introduction.

1.1. This resource reflects the commitment of organisations in the West Midlands and allied local authorities to work together to safeguard adults with care and support needs in line with the Care Act. The procedures outlined aim to ensure that:

- all organisations promote the wellbeing of adults with care and support needs;
- the interests of adults with care and support needs are always respected and upheld;
- the human rights of adults with care and support needs are respected and upheld;
- a proportionate, timely, professional and ethical response is made to any adult with care and support needs who may be experiencing abuse;
- all decisions and actions are taken in line with the Mental Capacity Act (MCA) 2005.

The procedures also aim to ensure that for each adult with care and support needs:

- their chosen outcomes are at the heart of safeguarding;
- safeguarding is always more focused on the adult than on processes;
- their dignity, and respect towards them, is central to all professional practice.

1.2. Working together.

The policy in the West Midlands is to:

- work together to prevent and protect adults with care and support needs from abuse;
- empower and support people to make their own choices;
- make enquiries and take action about actual or suspected abuse and neglect;
- support adults and provide a service to those who are experiencing, or who are at risk of, abuse, neglect or exploitation;
- share information in a timely way;
- co-operate with each other to safeguard adults with care and support needs - although the Care Act 2014 is clear that the lead role sits with the local authority, section 6 of the Act is equally clear that the local authority and the other relevant partner agencies have duties to co-operate with each other.

1.3. Local implementation.

Each local Safeguarding Adults Board (SAB) is asked to adopt the policy and procedures so that there is consistency across the West Midlands in the way in which adults with care and support needs are safeguarded from abuse. However, some local SABs may want to adapt certain aspects of the procedures to meet their local needs. Local SABs are therefore welcome to add an appendix to the policy and procedures outlining any local variations.

1.4. Individual implementation.

The policy and procedures described in this resource should also be used in conjunction with individual organisations' adult safeguarding procedures on and related issues; such as domestic violence and abuse, fraud, disciplinary procedures, and health and safety.

1.5. Legal framework.

1.5.1. The Care Act 2014

The Care Act 2014 sets out a clear legal framework for how local authorities and other statutory agencies should protect adults with care and support needs at risk of abuse or neglect. New duties include the Local Authority's duty to make enquiries or cause them to be made, to establish a Safeguarding Adults Board; statutory members are the Local Authority, Clinical Commissioning Groups and the Police. Safeguarding Adults Boards must arrange Safeguarding Adult Reviews (SARs) as per defined criteria, publish an annual report and strategic plan. All these initiatives are designed to ensure greater multi-agency collaboration as a means of transforming adult social care.

1.5.2. Mental Capacity Act (Including DoLS) 2005

The Mental Capacity Act 2005, covering England and Wales, provides a statutory framework for people who lack capacity to make decisions for themselves, or who have capacity and want to make preparations for a time when they may lack capacity in the future. These can be small decisions – such as what clothes to wear – or major decisions, - such as where to live, or what happens if abuse has occurred. The Act sets out who can take decisions, in which situations, and how they should go about this

In addition - in some cases, people lack the capacity to consent to particular treatment or care that is recognised by others as being in their best interests, or which will protect them from harm. Where this care might involve depriving vulnerable people of their liberty in either a hospital or a care home, extra safeguards have been introduced in law – Deprivation of Liberty Safeguards, to protect their rights and ensure that the care or treatment they receive is in their best interests.

1.5.3. Human Rights Act 1998

The Act applies to all public authorities (such as central government departments, local authorities and NHS Trusts) and other bodies performing public functions (such as private companies operating prisons). These organisations must comply with the Act – and individual's human rights – when providing a service or making decisions that have a decisive impact upon an individual's rights. The Care Act (2014) extends the scope of the Human Rights Act (1998). This incorporates registered care providers (residential and non-residential) providing care and support to an adult, or support to a carer, where the care and support is arranged or funded by the local authority (including Direct Payment situations (LGA, 2014)). It does not incorporate entirely private arrangements concerning care and support.

Although the Act does not apply to private individuals or companies (except where they are performing public functions), sometimes a public authority has a duty to stop people or companies abusing an individual's human rights. For example, a public authority that knows a child is being abused by its parents has a duty to protect the child from inhuman or degrading treatment.

The Human Rights act covers everyone in the United Kingdom, regardless of citizenship or immigration status. Anyone who is in the UK for any reason is protected by the provisions in the Human Rights Act.

1.6. Timescales

The West Midlands adult safeguarding procedures do not set definitive timescales for each element of the safeguarding process; however, target timescales are indicated. In addition, individual local authorities or SABs may make decisions on timescales for their own performance monitoring. Local guidance on timescales should reflect the ethos of the Making Safeguarding Personal agenda.

The approach within the West Midlands procedures is as follows:

Managing immediate risks- Some adult safeguarding concerns will require an immediate assessment and response to safeguard the adult. This policy and procedure set out some target timescales for responding to and managing immediate risks.

Making decisions about safeguarding concerns and undertaking enquiries- There are some target timescales, however, as with all adult safeguarding work, responses must be timely.

REMEMBER- It is important to respond at the pace that is right for the adult, and puts them in greatest control of what happens in their life.