

Factsheet 7

Information for a person alleged to have caused harm

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Who is this Fact Sheet for?

This fact sheet is provided for the benefit of those individuals who have been named within an allegation as potentially causing abuse to an adult with care and support needs.

When an allegation is made a formal safeguarding adult enquiry, under Section 42 of the Care Act 2014, may be needed in order to find out what has actually happened.

If an allegation has been made about your actions this can be a difficult and stressful time. You may have questions about how the allegations are being investigated and how decisions will be reached. This fact sheet is intended to answer common questions. It explains what a safeguarding adult enquiry involves and how you can expect to be treated within the Rochdale Borough Safeguarding Adult Board Multi Agency policy and procedures.

There is a separate leaflet for people in a position of power or trust.

What is Safeguarding Adults?

'Safeguarding adults' is the name given to the multi-agency response used to protect adults with care and support needs from abuse and neglect.

When an allegation about abuse or neglect has been made, an enquiry is undertaken to find out what, if anything, has happened.

The findings from the enquiry are used to decide whether abuse or neglect has taken place and whether the adult at risk needs a protection plan. A protection plan is a list of arrangements that are required to keep the person safe.

Key Roles

The Safeguarding Adults Manager is a professional manager from Adult Social Care or an NHS Organisation who has been appointed to oversee the safeguarding enquiry.

The Safeguarding Enquiry Practitioner is the person appointed to undertake the enquiry. This will usually be a social worker, a nurse or the manager in the service where the concerns have arisen.

What does a safeguarding enquiry involve?

The purpose of a safeguarding enquiry is to decide what action is needed to help and protect the adult.

The aims are to:

- establish the facts about an incident or allegation;
- ascertain the adult's views and wishes;
- assess the needs of the adult for protection, support and redress and how they might be met;
- protect the adult from the alleged abuse and neglect, as the adult wishes;
- establish if any other person is at risk of harm;
- enable the adult to achieve resolution and recovery.

The enquiry may involve a wide range of activities depending on the circumstances. It will include interviewing people who have witnessed or been involved in the incident. It might also involve reviewing records or policies and procedures.

Sometimes other enquiries 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 person is an employee, then a disciplinary process may be required. 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.

Fairness

Care will be taken to make sure the safeguarding enquiry is conducted in a way that is fair to all concerned.

The following principles apply:

- an enquiry will be carried out impartially;
- an enquiry will be undertaken with an open mind as to what has or has not happened;
- an enquiry will base its findings on the established facts;
- if concerns have been raised about your actions then you will have a chance to respond to these allegations – if you are in a position of power or trust this will be the responsibility of the employer.

If you are being interviewed 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 Adults Manager. If you are unhappy with their response please contact the RBSAB Business Unit – contact details are at the end of this factsheet.

Reviewing the findings of 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's findings will be included in this decision. You will be informed of decisions made that affect you.

Throughout the safeguarding enquiry, decisions will need to be made by the Safeguarding Adults Manager or at a strategy meeting, as to whether any actions are needed to keep the adult or other people safe. These decisions will need to be reviewed once the enquiry is completed.

Depending on the nature and seriousness of the allegations, these decisions may be made by the Safeguarding Adults Manager or at a Safeguarding Case Conference, taking your views into account.

What can I do if I disagree that my actions amount to abuse or neglect?

If, following the enquiry, you feel the decision about whether your actions amount to abuse or neglect has been reached unfairly, you can contest the decision.

The 'Complaints about the Safeguarding Decision process' procedure is available on the Rochdale Borough Safeguarding Adults Board website www.rochdalesafeguarding.com

Issues for employees and volunteers

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 or a professional body/support network. Although the safeguarding adult procedures are non-legal in nature, some people may choose to seek advice from a solicitor.

If you are a volunteer, you may wish to contact 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 the Citizens Advice Bureau (CAB).

If there is a need to make changes to your working arrangements whilst an enquiry into an allegation takes place your manager will speak to you about this.

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

Your employer may decide to refer the matter to the Managing Allegations process – more details can be found at www.rochdalesafeguarding.com

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 in order to support you better in your role

Decisions about who the adult has contact with or receives support from, should be made by the adult. 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.

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 adult procedures are non-legal in nature, some people choose to seek advice from a solicitor.

Information for other 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, 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, 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.

The Rochdale Borough Safeguarding Adults Board Multi-Agency Policy and Procedures and can be downloaded from www.rochdalesafeguarding.com

If I have questions about the enquiry, who can I speak to?

You can speak to the Safeguarding Enquiry Practitioner or the Safeguarding Adults Manager.

If concerns have been raised about your practice or actions in your work, you should speak to your employer in the first instance.

You can use this space to record relevant contact details:

Other Information

This is one of a series of factsheets produced by the RBSAB. The factsheets available are:

Factsheet 1: What happens when abuse is reported – Information for adults who may be being abused or neglected

Factsheet 2: Safeguarding Adults – Information for family and friends

Factsheet 3: The stages of the Safeguarding process?

Factsheet 4: What is a Section 42 Safeguarding Enquiry?

Factsheet 5: What is a Section 42 Strategy Meeting?

Factsheet 6: Safeguarding Adult Reviews – Information for families and carers

Factsheet 7: Information for a person alleged to have caused harm

Factsheet 8: What happens after you report a safeguarding adults concern?
Understanding the Safeguarding Process

All the factsheets are available at
www.rochdalesafeguarding.com

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**Rochdale Borough Safeguarding Adults Board
is committed to Safeguarding Adults
and will continue to establish a society
where there is zero tolerance to adult abuse.**