



Guidance for Providers regarding safeguarding adults during the COVID 19 pandemic.

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Introduction:

This is local guidance within Wirral regarding Safeguarding Adults during the COVID 19 pandemic. It is crucial to understand that there are currently no legal changes to the Care Act 2014 ('CA') regarding safeguarding and as such this legislation should still be followed.

In real terms this means that the Care Act Guidance should still be adhered to:

<https://www.gov.uk/government/publications/care-act-statutory-guidance/care-and-support-statutory-guidance>

Nothing in this guidance falls outside of the Care Act Guidance or the Care Act 2014 and therefore still complies with our statutory duties under the Act and if any individual has concerns regarding abuse and / or neglect or individuals that have need for care and support this should be reported in to the Multi Agency Safeguarding Hub on [0151 514 2222](tel:01515142222) (option 3)

All staff need to balance infection control risks, national guidance on social distancing and self isolation, with the duty to undertake safeguarding. It is critical that these decisions are defensible and recorded in detail so that anybody review the decision is clear on the thinking behind it.

Safeguarding concern definition:

As resources potentially become more stretched, all Providers need to be clear and remind themselves what the definition of safeguarding is:

All safeguarding concerns need to be assessed against the definitions below

Please note that all three of the criteria have to met to fulfil the s.42 CA investigation duty. Social Workers should, in particular, give consideration to b) namely, whether the individual **is experiencing, or is at risk of, abuse or neglect,**

Also please ensure that if a crime or potential crime has been committed, the police are notified in addition to any safeguarding that is or is not raised as a concern. Section 42 CA reads:

"This section applies where a local authority has reasonable cause to suspect that an adult in its area (whether or not ordinarily resident) and that adult:

- a) has needs for care and support (whether or not the authority is meeting any of those needs)*
and
- b) is experiencing, or is at risk of, abuse or neglect,*
and
- c) as a result of those needs is unable to protect himself or herself against the abuse or neglect or the risk of it".*

Note: Care Act Guidance (2nd March '20) identifies self-neglect as a form of neglect. Paragraph 14.17 states;

"This covers a wide range of behaviour neglecting to care for one's personal hygiene, health or surroundings and includes behaviour such as hoarding. It should be noted that self-neglect

may not prompt a section 42 enquiry. An assessment should be made on a case by case basis. A decision on whether a response is required under safeguarding will depend on the adult's ability to protect themselves by controlling their own behaviour. There may come a point when they are no longer able to do this, without external support".

When there are concerns that self-neglect may have a **significant impact** on the person *and* interventions have been offered without success, a Safeguarding Concern should be reported.

All safeguarding concerns must be reported to the local authority whether or not the person wants an enquiry to be carried out; the professionals in the Multi-agency Safeguarding Hub (MASH) will then assess risk, desired outcomes and decide how to proceed.

Care Concerns / Incidents:

During this time of unprecedented challenge, it is important that safeguarding resources focus on concerns where an individual is **experiencing, or is at risk of, abuse or neglect**. We understand the need for providers to report care concerns and incidents that fall outside of the criteria for a safeguarding referral and we are working with providers to ensure that incidents which are not concerns around abuse or neglect can be recorded on a daily basis through the DAILY DATA COLLECTION COVID REPORT and all providers should continue to report care concerns and incidents through their normal processes such as DATIX recording.

The following are examples of where there may be a care concern, but it is not abusive or neglectful:

1. Isolated medication errors that have been rectified, representatives/professionals informed and there are no ill effects.
2. When a person falls with no injury, a falls risk assessment is in place which has been followed, and the care plans/risk assessments have been updated
3. On occasions 'unwitnessed falls' have been reported as Safeguarding Concerns even when the person has stated that they fell. It is not usually necessary to complete a Safeguarding Concern; the person has explained what happened and abuse or neglect is not likely to have occurred
4. Where two service users have a verbal argument and there is no malice or intent behind the argument.
5. Regarding physical altercations between two service users the key factor in deciding how to respond is whether significant harm has occurred. This requires careful person-centred assessment and consultation with them and / or their family/representative. The impact of an incident can range from no effect to serious physical injury or emotional distress which damages the person's quality of life.

If it was an isolated incident and no significant harm has occurred, then there is usually no requirement to raise a Safeguarding Concern.

6. Pressure ulcers are not always due to poor care and neglect, so each individual case should be considered independently, considering the person's medical condition, prognosis and any underlying skin conditions. The person's mental capacity to agree to their care must also be assessed. Records should be kept of the person's compliance with their care plan as well as any best interest decision, where the person lacks capacity.

Safeguarding Enquiries

Wirral Council will make enquiries, **or request others** to do so, under Section 42 of the Care Act, if they reasonably suspect an adult who meets the aforementioned criteria is, or is at risk of, being abused or neglected.

An enquiry is the action taken or instigated by Wirral Council in response to a concern that abuse, or neglect may be taking place. The nature of the enquiry will be determined by the nature of the concern but will always seek the views and wishes of the adult at risk. If Wirral Council feel it is appropriate, they may ask another organisation to undertake the enquiry on their behalf and will set timescales and require feedback on the outcomes of the enquiry and agreed actions.

An adult at risk should be involved from the beginning of any enquiry relating to themselves unless there are exceptional circumstances that would increase the risk of abuse. If the adult has substantial difficulty in being involved, and where there is no one appropriate to support them, the Wirral Council will arrange for an independent advocate to represent them and facilitate their involvement.

The important part of the Care Act 2014 is the power for Wirral Council to request others to make enquiries on their behalf. This had not usually been the case within Wirral Council but this may be the case and it would be advisable for all providers to understand how S.42 enquiries are made in case of such a request being made.

Given the demands on all professionals we need to look at the opportunities to work together within the current statutory guidance to best meet the needs of adults at risk of abuse or neglect. We need to safeguard people from abuse and neglect but also protect them from the risk of infection. Where agencies are supporting enquiries, social workers need to maintain careful oversight.

What should I do if I am unsure?

If after considering this guidance you are still unsure as to whether you need to initiate the safeguarding process then you can discuss it with your Manager or Safeguarding Lead for your organisation; or contact the Wirral Multi-agency Safeguarding Hub (MASH) for advice on [0151 514 2222](tel:01515142222) (option 3)