

Guidance for safeguarding managers when signing off a S42 enquiry (individual and organisational)

Context

A S42 enquiry should reflect the 6 core principles of the Care Act and be person centred; it should provide evidence of discussion with the adult throughout and agreement of realistic outcomes to reduce the risks/keep them safe. (if possible).

The enquiry may have been fully or partially commissioned out to other agencies, who should be made aware, at planning stage, what is required of them (see guidance xxxx) and a specified timescale agreed for completion of the work. The report must be shared with the adult or their advocate and their views reflected in the report before it is sent to you.

Individual S42 enquiries - The following must be evident within the enquiry

- ✓ Evidence that the person has been consulted about their outcomes, that they believe will reduce risks and increase their safety. That regular dialogue has taken place throughout the enquiry. (this may have resulted in the outcomes being refined/re-negotiated)
- ✓ Evidence, if the adult's capacity is in doubt around any of the areas included in the enquiry, that a capacity assessment has been completed and if necessary a best interest decision taken. If the adult is deemed not to have capacity, evidence of the appointment of an IMCA or evidence to demonstrate why an IMCA would bring no benefits over use of a family member/friend etc.
- ✓ If the S42 enquiry is progressing against the wishes of the adult, due to the risks to other adults, evidence that the adult is aware of this and has been offered further opportunities to be involved
- ✓ Risk management plan, that has been reviewed regularly – the plan should evidence the direction of risk – reduced, remain, removed or increased
- ✓ How the enquiry was managed – complaint, case management, disciplinary, criminal, S42 by one or more agency. This should include a summary of each agencies involvement in the enquiry. All agencies **must share** their reports with the adult or their advocate in advance of submitting for an outcome meeting and include the views of the adult in the report
- ✓ If a decision on whether or not abuse has been substantiated is required by the adult or in cases involving workers/volunteers/organisations (where a decision must be reached – irrespective of the views of the adult) it is essential that the **Alleged source of Harm has had access to the information and has had a right of reply/challenge**. These decisions will, in the majority of cases, require an outcome meeting with an independent chair
- ✓ A summary of each outcome and the view of the adult/their advocate if the outcome has been met/partially met/not met. It is important that outcomes agreed at face to

face and planning stage are realistic to avoid raising expectations that are unlikely to be met. (e.g – alleged source of harm – charged and locked up for 10 years for a theft of £100 is not a realistic outcome)

- ✓ A summary of the risks and whether these have been reduced, remain, removed
- ✓ The reports should be written in a style that supports adult's involvement and should not include abbreviations or jargon that the adult is unlikely to understand. If the adult will struggle to understand the report it is essential that the report author can evidence that they have "talked the adult through the report and obtained their views".
- ✓ The reports, received as part of a S42 enquiry, should contain the following – name of author, their role, contact details, date of report, views of the adults, individual risk assessments and risk management plans(if required), what outcome (s) their report relates to?, factual information – what was done/found, an analysis of the information (e.g – root cause analysis of a tissue viability issue), evidence of sharing with the adult (date/location etc), evidence of sharing with the alleged source of harm (if necessary), recommendations to improve practice if abuse is not being substantiated, evidence that the necessary referrals have been made to DBS, professional registration bodies etc (if necessary) recommendation on whether or not abuse has been substantiated (if required), recommendation on exiting or continuing with a S42 enquiry?
- ✓ A view from the authors of the report about whether or not a formal outcome meeting is required or if exit is possible via virtual decision making process
- ✓ If the adult feels that additional support is required evidence of the consideration of a protection plan and a review outcome meeting is needed.

Organisational abuse

Only professionals will attend these meetings, however the report and minutes will be made available to adults (or their advocates following the outcome meeting) to allow them to evaluate if they want an individual outcome meeting?

If adult(s) want an individual S42 enquiry these should be progressed in line with procedures and roles allocated. Reports presented at the organisational abuse conference should be written in a style and language that support the adults' understanding but be in an anonymised format. All reports should include the following

- ✚ Name of author, role in organisation, role in enquiry, contact details and details of which type(s) of abuse they are providing evidence against e.g tissue viability – neglect and physical, medication errors – physical and organisational etc. The report should contain a short statement evidencing their competence to make an assessment on this area of the enquiry.
- ✚ Either individual reports on each adult affected, which can be shared with the adult and their family in full or a summary report covering all adults which must be

anonymised. (The system for anonymization should be agreed at the planning meeting). These can then be shared with the minutes following the outcome meeting

- ✚ The report should include factual information, if necessary including photographic or clinical information and a professional assessment of the situation and whether or not the harm/abuse was preventable or its impact reduced?
- ✚ A view on whether or not abuse has been substantiated based on the information gathered and in which category/categories.
- ✚ Evidence that the alleged source of harm have had sight of the report and had an opportunity to reply/challenge any of the information/views contained in the report
- ✚ If the report is based on a disciplinary a summary of the process should be included – who was involved in the meetings, outcomes – warnings (verbal/written), change in policy/training/dismissal etc. If dismissed has a referral been made to DBS, professional registration bodies etc? If not the employer needs to be encouraged to do so? If the worker resigned at the start of the process the employer should be encouraged to complete the disciplinary without the involvement of the worker, if they refuse to attend the disciplinary or conduct meetings. Failure to engage in referrals to DBS etc or to complete disciplinary action against workers who chose to resign should be shared with CQC and contracts colleagues.
- ✚ If necessary evidence that the report has been shared and approved by legal services.