

Appendix 4. West Midlands Association of Directors of Social Services Agreed Protocol for Inter - Authority Investigation of Vulnerable Adult Abuse

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1.0 Introduction

These arrangements recognise the increased risk to vulnerable adults whose care arrangements are complicated by cross boundary considerations. These may arise, for instance, where funding / commissioning responsibility lies with one authority and where concerns about potential abuse and/ or exploitation subsequently arise in another. This would apply where the individual lives or otherwise receives services in another local authority area

2.0 Aims

This protocol aims to clarify the responsibilities and actions to be taken by local authorities with respect to people who live in one area, but for whom some responsibility remains with the area from which they originated.

It should be read in conjunction with Section 3.8 of '*No Secrets*' (DoH 2000) and LAC (93) 7 *Ordinary Residence*- Which identifies these responsibilities in terms of:

- The authority where the abuse occurred in respect of the monitoring and review of services and overall responsibility for adult protection;
- The registering body in fulfilling its regulatory function with regard to regulated establishments; and
- The placing authority's continuing duty of care to the abused person.

3.0 Principles

The authority where the abuse occurs will have overall responsibility for co-ordinating the adult protection arrangements (and, for the purposes of this protocol, be referred to as the host authority).

The only exception to this are cases that relate to Shelton Hospital. If the person is ordinarily resident in Telford, the Adult Protection referral should be made to the relevant team in Telford & Wrekin.

The placing authority (i.e. the authority with funding/ commissioning responsibility) will have a continuing duty of care to the vulnerable adult and will maintain their responsibility for the longer-term care needs of that individual.

The placing authority should ensure that the provider, in service specifications, has arrangements in place for protecting vulnerable adults and for managing concerns, which in turn link with local policy and procedures set out by the host authority.

The placing authority will provide any necessary support and information to the host authority in order for a prompt and thorough investigation to take place.

The host authority will make provision in service contracts, which refer to this protocol, outlining the responsibilities of the provider to notify the host authority of any Adult Protection referral.

4.0 Responsibilities of Host Authorities

The authority where the abuse occurs should always take the initial lead on responding to the referral. This may include taking immediate action to protect the adult, if appropriate, and arranging an early discussion with the police if a criminal offence may have been committed.

The host authority will also co-ordinate initial information gathering, background checks and ensure a prompt notification to the placing authority and other relevant agencies.

It is the responsibility of the host authority to co-ordinate any investigation of institutional abuse. If the alleged abuse takes place in a residential or nursing home, other people could potentially be at risk and enquiries should be carried out with this in mind.

The Care Quality Commission should always be included in investigations involving regulated care providers and enquiries should make reference to national guidance regarding arrangements for the protection of vulnerable adults.

There will be instances where allegations relate to one individual only and in these cases it may be appropriate to negotiate with the placing authority their undertaking certain aspects of the investigation. However, the host authority should retain the overall co-ordinating role throughout the investigation.

5.0 Responsibilities of Placing Authorities

The placing authority will be responsible for providing support to the vulnerable adult and planning their future care needs.

The placing authority should nominate a link person for liaison purposes during the investigation. They will be invited to attend any Adult Protection strategy meeting and/ or may be required to submit a written report.

6.0 Responsibilities of Provider Agencies

Provider agencies should have in place suitable Adult Protection procedures to prevent and respond to abuse which link with the local inter-agency policy and procedures set out by the host authority.

Providers should ensure that any allegation or complaint about abuse is brought promptly to the attention of the local authority, the Police, and/ or the Care Quality Commission in accordance with local inter-agency policy and procedures

Provider agencies will have responsibilities under the Care Standards Act 2000 (Regulation 37 for Care Homes) to notify the Care Quality Commission office of any allegations of abuse or any other significant incidents.

Provider agencies who have services registered in more than one local authority area will defer to the Care Quality Commission area office relevant to the area in which the abuse took place.

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