



Buckinghamshire Council Out-of-area Safeguarding Adults Procedures

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1. Introduction

This policy aims to complement existing statutory guidance ([Care Act 2014](#)) and Buckinghamshire Council's [local policy and procedures](#) by providing additional guidance in responding to safeguarding concerns which involve cross-boundary considerations. It is adapted from the Association of Directors of Adult Social Services' '[Guidance for Inter-Authority Safeguarding Adults Enquiry and Protection Arrangements](#)'

There is increased safeguarding risk and complexity associated with adults whose care and support arrangements cross local authority boundaries. These may arise where funding/commissioning responsibility for an adult lies with an authority in one area and where concerns about potential abuse and/or exploitation arise in another area. When discussing the topic of cross-boundary arrangements, 'the Council' always refers to Buckinghamshire Council in this document.

Host and placing authority definitions.

Host Authority – The local authority in the area where the alleged abuse occurred, and which therefore has a duty under section 42 of the Care Act 2014 to make enquiries or cause them to be made (whether or not the host authority is commissioning care and support services for the adult).

Placing Authority – The local authority or NHS body that is responsible for commissioning care and support services for an individual involved in a safeguarding adults enquiry. This includes where a local authority or NHS body has placed a person in accommodation outside of their area.

This section aims to clarify responsibilities and actions to be taken by host authorities and placing authorities with respect to safeguarding enquiries involving people who live in one area, but for whom commissioning responsibility remains with the area from which they originated, or where a person has experienced abuse in an area other than where they normally reside.

1.1. Cross-boundary considerations

The following specific principles for inter authority working underpin the guidance in this document:

- Care and Support Statutory Guidance (14.93) states that the scope of an enquiry, who leads it and its nature, and how long it takes, will depend on the particular circumstances. It also states that everyone involved must focus on improving the adult's wellbeing and work together to that shared aim. Clarity about the responsibilities of host and placing authorities at the outset of the enquiry is essential to ensure the person's wellbeing and desired outcomes remain paramount.
- Negotiation at an early stage should enable clarity of roles and expectations, allow any issues to be addressed, agree timescales to mitigate drift in undertaking the enquiry, and agree who is best placed to undertake this, taking account of geographical distance.
- The host authority, in holding the Section 42 Care Act enquiry duty, will have overall responsibility for ensuring there is good communication with all stakeholders, especially with regards to the scheduling of meetings and the planning of the enquiry.
- Where there is a placing authority involved in commissioning a service, that authority will contribute to the Section 42 enquiry as required and maintain overall responsibility for the person they have placed, including needs assessment and care and support planning.
- The placing authority should ensure, through contracting arrangements and in service specifications, that the provider has arrangements in place for safeguarding adults at risk of abuse or neglect and for managing concerns, which should be in line with the local (host authority) [Safeguarding Adults Board multi-agency safeguarding adults policy and procedures](#). The placing authority may make decisions under its contract monitoring procedures relating to its contract with the provider, including suspension of placements with the provider.
- It may be necessary for a host authority to take urgent action to safeguard an individual. During the course of an enquiry, host and placing authorities may agree that local services may be best placed to meet needs arising from the enquiry. Placing authorities and the host authority may need to

negotiate flexible arrangements, to enable the most appropriate response to ensure the wellbeing of the adult.

- In the case of an urgent response being required, the wellbeing of the person being safeguarded remains paramount and a host authority may have to act on behalf of the placing authority. It is unlikely to be practicable for the placing authority to meet urgent needs. In such cases, the host authority should ensure the placing authority is informed and involved in discussions about the response as early as possible. The host authority may incur costs which it believes are ultimately the responsibility of the placing authority. Where possible, the placing authority should be given the opportunity to agree the costs involved, but it should be recognised that this may not always be possible. In such cases, the host authority should keep costs to a minimum, and negotiations over costs may need to happen retrospectively.
- Under Section 67 and 68 of the Care Act, relevant local authorities have the duty to arrange independent advocacy for adults, if required. The host authority will be responsible for ensuring that the views and wishes of the adult are sought as early as possible, and where there is a requirement for independent advocacy to be arranged, the host and placing authorities should liaise as early as possible on how this should be achieved for each adult.

The following sections describe the respective roles of the host authority, placing authority and service provider at each stage of the safeguarding process from raising a safeguarding concern, through undertaking the safeguarding enquiry, achieving an outcome for the person and ongoing responsibilities for safeguarding planning and review.

2. Safeguarding concerns

2.1. As host authority

Where a concern about potential abuse and/or exploitation is first raised with the Council as the host authority, the Council must always seek to inform all involved placing authorities as soon as possible of any allegations involving one or more of their service users as either a person who has experienced the alleged abuse or a person who has caused the alleged abuse.

As the host authority, it is the Council's responsibility to lead the initial response to the concern in consultation with the placing authority. In some circumstances it may be necessary for the host authority to take immediate action to protect the adult, for example, by contacting the police or other emergency services. In liaison with the placing authority the host authority will seek, where appropriate, medical assessment of any injuries/concerns.

If, as part of the initial safeguarding plan, it is necessary to move an adult to a place of safety, this should be done wherever possible by agreement with the person, their family and the placing authority. Funding responsibilities remain with the placing authority. Protection arrangements will be reviewed throughout the enquiry process. Lack of initial agreement about arrangements for funding should not prevent the host authority from taking the necessary steps to protect the person.

As the host authority, the Council will coordinate the enquiry in line with Making Safeguarding Personal principles ([Empowerment, prevention, proportionality, protection, partnership and accountability](#)), gather information regarding the concern, including information which may be held by other agencies, for example police, Care Quality Commission, or health agencies in relation to the provider and/or people involved, ensuring prompt notification to the placing authority and other relevant agencies.

As the host authority, the Council will allocate a suitably qualified worker to act as the named lead social worker with overall responsibility for the enquiry.

2.2. As placing authority

When notified of a safeguarding concern as the placing authority, the Council will:

- Ensure immediately that the host authority has been made aware
- Check whether the placement continues to meet the person's needs within a safe environment.
- If necessary, seek an alternative placement, whilst ensuring that the current provider has made adequate provision for the immediate protection and meeting of the person's care needs until the move occurs, liaising with the host authority where appropriate
- Provide all relevant information to the host authority's named lead social worker.

3. Undertaking safeguarding enquiries

3.1. As host authority

As the host authority, it is the Council's responsibility to ensure that the Section 42 enquiry is conducted in accordance with the adult safeguarding procedures detailed in this document.

The named lead social worker will endeavour to ensure that all agencies are working together effectively, taking account of Making Safeguarding Personal principles ([Empowerment, prevention, proportionality, protection, partnership and accountability](#)) and may chair planning discussions or meetings where required. They will invite the placing authority to participate in the planning arrangements, with the expectation that placing authorities of service users affected by the allegations will contribute, either in person, or via technological means. The placing authority should provide all relevant information to the planning process, including written reports.

The planning process will agree roles and responsibilities for undertaking the enquiry, with overall responsibility for coordination of the enquiry remaining with the host authority. Within the planning discussion it may be necessary to assign tasks to the placing authority. If the placing authority is not present, then the named lead coordinator is responsible for confirming agreement with the placing authority on the tasks to be assigned in writing.

It will also set out a clear communication and engagement strategy which will include communication with all those affected by the safeguarding adult concern: service users, families, carers and advocacy services, including Independent Mental Capacity Advocate (IMCA) services where appropriate and Care Act advocacy services where it is identified a person who has experienced the alleged abuse has substantial difficulties being involved in the safeguarding enquiry and has no appropriate person to represent them and an independent advocate needs to be arranged to support and represent the adult. This strategy should be reviewed regularly. As the host authority, the Council will share the Safeguarding meeting minutes with all invitees, including CQC in respect of a regulated service.

The planning process will also agree whether, and if so, how, other placing authorities will be informed of the concerns raised and why, and who will do this.

The named lead social worker will ensure that all decisions and agreed actions are fed back to a placing authority in the event that they are absent from the planning discussion and will liaise with the placing authority throughout the enquiry. This is to ensure that:

- The outcomes sought by the adult are clarified and jointly agreed by the adult, the host and placing authorities
- Evidence or other information from any work undertaken by the placing authority is fed into the enquiry.
- The placing authority is kept up-to-date on progress with the enquiry

Following completion of the safeguarding enquiry the Council will share the enquiry report(s) with the placing authority in order to discuss the content of the report and any required safeguarding arrangements.

3.2. As placing authority

As the placing authority, the Council should liaise with the host authority's named lead social worker regarding the conduct of the Section 42 enquiry. The Council should provide a representative with appropriate authority for decision making to attend and participate in any planning meetings which may be convened by the host authority.

The Council should provide all relevant information to the enquiry via the host authority's named lead social worker and share this securely, promptly and in accordance with the Data Protection Act. It is expected that the Council has an established relationship with the adult at risk. The Council may therefore be the most appropriate organisation to ascertain the person's views and wishes and to undertake initial enquiries with them.

If a mental capacity assessment and/or an independent advocate are needed as part of the safeguarding enquiry, the Council should confirm with the host authority how this will be provided or commissioned, as part of the planning discussions.

4. Safeguarding outcomes

4.1. As host authority

Once the enquiry is completed, conclusions should be reached on whether the desired outcomes of the adult at risk have been achieved, the level of any remaining risks and whether any further actions are required.

These decisions are made by the named lead social worker at the Council in consultation with the adult and other parties involved in the enquiry. If a meeting is required to discuss the outcome of the enquiry and any further action required, the Council will arrange the meeting in liaison with the adult or their representative and the placing authority.

The named lead social worker must immediately report to their immediate line manager any situations of difficulty or dispute which create risks to ensuring safeguarding outcomes are achieved, for example:

- Where it is recognised that the provider can no longer meet the needs of their service users and an alternative is not immediately available
- Where there is disagreement about funding
- Where placing and hosting authorities are in dispute about the implementation of the protocol.
- Where there is disagreement about the safeguarding investigation process or findings.

The authorities should ensure that the safety of the person is secured or maintained, and that the investigation remains focused on their needs and that of their family carers, prior to the resolution of any dispute.

4.2. As placing authority

If a meeting is required, as the placing authority the Council will attend either in person or via technological means. The Council will ensure that where appropriate, family members are invited to the meeting. If required, the Council will support families with travel arrangements and, where agreed, any reasonable travel costs. This is not the responsibility of the host authority.

Where the adult, their family, carers or advocate cannot attend the outcome meeting, the Council will be responsible for ensuring that their views are obtained so that they can be represented within the process and for ensuring that the outcome of the meeting is fed back to them.

Where the need for an individual safeguarding plan is identified, the outcome meeting will discuss and agree the protection arrangements to be put in place by the Council.

Further actions may also be agreed, which relate to a service provider or a wider group of service users.

5. Implementing the safeguarding plan

5.1. As host authority

Following the enquiry, a safeguarding plan may be required to confirm actions needed and who is responsible for each action. If any tasks are allocated to the host authority relating to the care setting, it will be the responsibility of the Council to keep the placing authority and other relevant agencies informed of progress made or any additional concerns raised.

The Council also has responsibility to feedback information on progress and/or concerns to health and social care commissioners and the Care Quality Commission (["see the statement on CQC's roles and responsibilities in safeguarding children and adults, February 2018"](#)). The Council must share the minutes with CQC when the allegations involve a regulated service, even if CQC has not been represented at the outcome discussion.

5.2. As placing authority

As the placing authority, the Council will notify the host authority of completion of any protection actions agreed with the host authority following the enquiry. As the placing authority, ongoing protection planning and review of safeguarding plans for each individual is the responsibility of the Council.