



# Policy and Procedures for Safeguarding Adult Reviews (SAR)



## **DOCUMENT CONTROL SHEET**

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## 1. Introduction

1.1 These procedures are designed for inter-agency use in the protection of adults with care and support needs, and to ensure compliance with The Care Act 2014, and the Care and Support Statutory Guidance issued under the Care Act 2014 which states that:-

*“A Safeguarding Adults Board must arrange for there to be a review of a case involving an adult in its area with needs for care and support (whether or not the local authority has been meeting any of those needs) if:-*

- (a) there is reasonable cause for concern about how the SAB, members of it or other persons with relevant functions worked together to safeguard the adult, and*
- (b) condition 1 or 2 is met.*

*Condition 1 is met if—*

- (a) the adult has died, and*
- (b) the Safeguarding Adults Board knows or suspects that the death resulted from abuse or neglect (whether or not it knew about or suspected the abuse or neglect before the adult died).*

*Condition 2 is met if—*

- (a) the adult is still alive, and*
- (b) the SAB knows or suspects that the adult has experienced serious abuse or neglect.*

*A Safeguarding Adults Board may arrange for there to be a review of any other case involving an adult in its area with needs for care and support (whether or not the local authority has been meeting any of those needs).*

*Each member of the Safeguarding Adults Board must co-operate in and contribute to the carrying out of a review under this section with a view to—*

- (a) identifying the lessons to be learnt from the adult’s case, and*
- (b) applying those lessons to future cases”*

*(Care Act 2014, section 44)*

1.2 The Act makes provision for a range of methodologies and places a requirement on Buckinghamshire Safeguarding Adults Board’s member agencies to cooperate with and contribute to a Serious Adult’s Review (Safeguarding Adults Review).

1.3 Buckinghamshire Safeguarding Adults Board has an established a Safeguarding Adults Review subgroup of the board which is responsible for gathering information, making recommendations to the Buckinghamshire Safeguarding Adults Board chair on whether the Serious Adult’s Review criteria is met, agreeing and managing the process and assuring the Buckinghamshire Safeguarding Adults Board that recommendations and associated actions have been addressed by the multiagency partnership and individual agencies as required.

## **2. The Purpose of a Safeguarding Adults Review**

2.1 A Safeguarding Adults Review is a multi-agency review process which seeks to determine what relevant agencies and individuals involved could have done differently that could have prevented harm or a death from taking place. The Safeguarding Adults Review will look at what:-

- ✓ lessons can be learnt from the case about the way in which local professionals and agencies work together to safeguard adults
- ✓ those lessons can be applied to future cases to prevent similar harm occurring again.
- ✓ to highlight examples of good practice

2.2 A Safeguarding Adults Review is not an inquiry into how an adult died or suffered or who is culpable. It is not a reinvestigation of the case and a Safeguarding Adults Review does not seek to apportion blame or hold individuals to account. There are other processes that exist for these purposes;

- ✓ Criminal proceedings
- ✓ Disciplinary processes
- ✓ Employment law
- ✓ Professional regulations such as Care Quality Commission, NMC, H&CPC and the General Medical Council.

2.3 It is vital, if individuals and organisations are to be able to learn lessons from the past, that reviews are trusted and safe experiences that encourage honesty, transparency and sharing of information to obtain the maximum benefit from them. If individuals and their organisations are fearful of Safeguarding Adult Reviews, their response will be defensive and their participation guarded and partial.

2.4 It is acknowledged that organisations will have their own internal/statutory review processes to investigate serious incidents and Safeguarding Adults Reviews are not there to replace those processes. Such reviews/investigations can be used alongside and contribute to a Safeguarding Adults Review and can be considered as an alternative option for reviewing a case should a request for a Safeguarding Adults Review not be deemed to meet the criteria.

## **4. Principles of a Safeguarding Adult Review Board**

4.1 Safeguarding Adults Reviews should reflect the six safeguarding principles of empowerment, prevention, proportionality, protection, partnership and accountability. Safeguarding Adults Review's should also be person centred and reflect the "Making Safeguarding Personal" approach embedded in the Care Act 2014.

4.2 Buckinghamshire Safeguarding Adults Board and partner organisations should also apply the following principles when carrying out all reviews.

- ✓ The adult with care and support needs should be supported to be involved in the Safeguarding Adults Review and advocacy should be arranged if required.
- ✓ Families should be invited to contribute to reviews. They should understand how they are going to be involved and their expectations should be managed appropriately and sensitively
- ✓ The approach taken to reviews should be proportionate according to the scale and level of complexity of the issues being examined.
- ✓ Professionals should be involved fully in the reviews and invited to contribute their perspectives without fear of being blamed for actions which they took in good faith.
- ✓ There should be continuous learning throughout the whole process and actions should be put into place as identified not just at the formal end of the process.
- ✓ Buckinghamshire Safeguarding Adults Board is responsible for making sure that the Safeguarding Adults Review takes place in timely manner and seek assurance of the completion of the appropriate improvement action.

#### 4. Criteria for conducting a Safeguarding Adult Review

4.1 Whether to undertake a Safeguarding Adult Review and the process used should be determined according to the specific circumstances of the individual or cases. The methodologies for undertaking any review should be determined by the Safeguarding Adults Review subgroup as being the **best and most proportionate** method of achieving the **best outcome**. The recommendation of the Business Subgroup should then be ratified by the chair of the Safeguarding Adult Board and presented to the SAB for information.

4.2 Safeguarding Adults Boards must arrange a Safeguarding Adults Review when an adult dies as a result of abuse or neglect, whether known or suspected, and there is concern that partner agencies could have worked more effectively to protect the adult.

4.3 Safeguarding Adults Boards must also arrange a Safeguarding Adults Review if the same circumstances apply where an adult is still alive but has experienced serious neglect or abuse.

4.4 The Buckinghamshire Safeguarding Adults Board should also consider the justification for an Adult Review in other situations when it believes there will be value in doing so. This may be where a case can provide valuable insights into the way that organisations are working together to prevent and reduce abuse and neglect of adults and can include exploring example of good practice. This may be where there is;

- ✓ Clear evidence of a risk of significant harm to an adult with care and support needs unrecognised by organisations or individuals in contact with the vulnerable adult or perpetrator, **or** not shared with others **or** not acted upon properly
- ✓ At least one agency considers its concerns were not taken sufficiently seriously, or acted upon appropriately by another person/agency.
- ✓ The case indicates that there may be failings in one or more aspect of the local operation of formal safeguarding procedures which extend beyond the handling of the individual case
- ✓ The case appears to have implications for a range of agencies or professionals
- ✓ The case suggests that there may be a need for the Buckinghamshire Safeguarding Adults Board to change its protocols or procedures, or that they need to be more effectively promoted, understood or acted upon.

4.5 The adult who is the subject of the review need not have been in receipt of care and support services.

4.6 If the Buckinghamshire Safeguarding Adults Board decides to conduct a Safeguarding Adults Review where another authority is involved, the chair of Buckinghamshire Safeguarding Adults Board will inform the chair of that authority's Safeguarding Adults Board. Together they must agree whether the Safeguarding Adults Review should be conducted as:

- a) A Buckinghamshire Safeguarding Adults Board review with input from the other Safeguarding Adults Board, or
- b) A joint review where members of each panel work together as an expanded panel.

4.7 This decision will depend on the complexity of the case and the degree of involvement of each partnership. Should the chairs be unable to agree, the matter must be referred to the respective chief executives for a decision, or failing that to the Care Quality Commission.

4.8 In relation to Links with other reviews. There are separate statutory review requirements for **Domestic Homicide Reviews and child Serious Case Reviews**. There will be circumstances where a Safeguarding Adults Review and a Domestic Homicide Review or Serious Case Review is required because they concern the same source of risk etc. Consideration should be given to how the processes can be managed in parallel in the most effective manner to enable organisations and professional to learn from the case. This could involve joint arrangements for some aspects of the review or a joint review with key lines of enquiry relevant to the Safeguarding Adults Review.

## 5. Coroner's Inquests

5.1 A Coroner's court is a legal body that helps to determine how, when and why a person died, but not who is responsible. The investigation is held in public at a coroner's court where:

- ✓ A death was sudden, violent or unnatural; or
- ✓ A death occurred in prison, police custody or whilst on a Deprivation of Liberty authorisation or
- ✓ The cause of death is still unknown after a post-mortem.

5.2 A Safeguarding Adults Review must take into account of any coroner's inquiry or criminal investigation related to the case to ensure that the relevant information can be shared without incurring significant delay in the review process. The Chair of the subgroup will liaise with the Coroner regarding any relevant Safeguarding Adults Review referrals.

5.3 When the Coroner has decided that an inquest will be held on a case where a Safeguarding Adults Review is taking place, relevant information should be shared. The Chair of the subgroup will share the draft or final overview report with the Coroner in order to contribute to the inquiry.

## **6. Duty of Candour**

6.1 All members of Buckinghamshire Safeguarding Adults Board are expected to create a culture of openness, transparency and candour within their day to day work and with the Board.

## **7. Making a Referral for a Safeguarding Adults Review**

7.1 Buckinghamshire Safeguarding Adults Board is the only body which can commission a Safeguarding Adults Review within Buckinghamshire. There is no restriction as to who can submit a referral for a Safeguarding Adults Review. It is generally expected that any referral is discussed and agreed with the agency safeguarding lead prior to submission but this is not essential.

7.2 There is a referral form (see Appendices- Form A) which is available on the Board's website. The referral document should be submitted as soon as the Safeguarding Adults Review criteria appear to have been met. The referrer should provide all relevant available information. It is important to note all the agencies that are known to have been involved in the case; this will enable further scoping to be undertaken.

7.3 Completed referral forms should be forwarded to the Chair of the Safeguarding Adults Review subgroup via the Safeguarding Board Manager. Referrals can be made via email to BSAB@buckscc.gov.uk.

## **8. Screening the Referral**



- 8.1 On receipt of the referral this should be initially placed on the Safeguarding Adults Review log and then passed to the Chair of the Safeguarding Adults Reviews subgroup who will screen the referral and if necessary contact the referrer for further information. The Chair will also make some initial checks such as making sure that it relates to the right area and that it is not a child etc.
- 8.2 At the discretion of the Chair of the Safeguarding Adults Review subgroup, an electronic notification will be sent to all subgroup members alerting them to the potential for a Safeguarding Adults Review. Members will confirm receipt of this notification and make arrangements for all relevant records within their organisation's to be identified and sealed if decided this is appropriate.
- 8.3 Following a request, the Chair of the Safeguarding Adults Review subgroup must consult with all of the subgroup members to consider the need for a review. If necessary a Scoping Document (Appendix Two – Form 2) will be sent out to all agencies to complete to provide further information in order to enable the group to make a decision whether to start a Safeguarding Adults Review.
- 8.4 Following receipt of the Scoping Document the Safeguarding Adults Review subgroup must discuss the referral. The information should also contain the views of the adult/and or family if this has been gathered by the referrer. The subgroup will consider whether the criteria for a Safeguarding Adults Review have been met. The group should aim for a consensus, not a majority view, it is a multiagency review therefore there is a need for all the agencies to sign up to the review taking place and therefore embedding the learning.
- 8.5 If it has been agreed that a Safeguarding Adults Review is going to be recommended then the group should also consider what format the review should take place. This information should then be sent to the Chair of the Board on the relevant form (Appendix Three). The timescale for this decision to be made is within three weeks. There will be times when a decision may take longer due for instance to other reviews or a Coroner's inquest but the groups should aim for three weeks. The Quality and Performance Subgroup will as part of the yearly reviews carry out a review of the SAR process to see if the timescales and process have been followed appropriately.
- 8.6 The recommendation of the Safeguarding Adults Review subgroup must be forwarded to the chair of the Buckinghamshire Safeguarding Adults Board, who has ultimate responsibility for deciding whether or not to conduct the review.
- 8.7 If the decision is to precede the Safeguarding Adults Review subgroup will then commission the review. They will also appoint one or more lead reviewers who will also chair the review. If it has been agreed that the criteria for a full Safeguarding Adults Review is needed then an external chair of the panel should be appointed and this should be agreed between the chair of the Board and the Safeguarding Adults Review Subgroup. However, should a different approach be identified then a member of staff from another agency might be able to chair the review panel. A contract will be put in place between the author and the board

which will determine costs and expectations of both parties. A copy of this is available from the Safeguarding Board.

- 8.8 At the same time a letter will be sent to the referrer informing them of the outcome of the referral as well as letters notifying the adult and or family of the outcome of the referral and a leaflet explaining the process of a Safeguarding Adults Review.
- 8.9 The Safeguarding Adults Review subgroup and lead reviewer should make recommendations as to who should form the review panel. The review panel should consist of representatives from the Bucks County Council Adult Social Care, Health and the police and other representatives as appropriate to the individual case. They should also start to look at the Terms of Reference for the panel which will help to inform who should be part of the panel. There should be at least three people on the panel excluding the Chair. Panel members should be independent from the case.
- 8.10 Members of the review panel have a dual role; to represent professional or organisational views in relation to information brought before the Safeguarding Adults Review subgroup and to act collectively in representing well-evidenced, best practice standards.
- 8.10 Each review panel must therefore also consider co-opting additional representatives to ensure that each review is informed and directed by those deemed relevant to each case.
- 8.11 In selecting representatives each agency must choose someone who:
- ✓ Is able and has an explicit mandate to represent the organisation's views, policies and practice appropriately.
  - ✓ Has sufficient experience and knowledge of the field to inform the debate and the matters under consideration, and
  - ✓ Is of sufficient authority or seniority to ensure that recommendations arising from the review are addressed within their agency.
  - ✓ Has not been involved directly in working with or managing the case being reviewed.<sup>4</sup>
  - ✓ Will be able to commit the time necessary to contribute to the review.

## **9. Appeals Against the Decision**

- 9.1 If any Buckinghamshire Safeguarding Board member, involved agency or person disagrees with the decision made on behalf of the Board following a referral for a Safeguarding Adults Review, then an appeal against that decision can be made. The appeal should be made in writing to the Chair of the Board via the Safeguarding Board Manager. The appeal should include the rationale for undertaking the review and any additional information relating to the case.
- 9.2 Following receipt of the appeal the Chair of the Board and another member of the Board will review the decision and a response to the appeal will be made by letter.

9.3 A complaint can also be made to the Councils' Complaints department and ultimately to the Local Government Ombudsman.

## 10. Conducting a Safeguarding Adults Review

10.1 When a case has been approved by the Safeguarding Adults Review Subgroup an author will be sourced. The author will then come to a meeting with the subgroup to start to draw up the Terms of Reference for the review as well as identifying with the group panel members and report writers. Relevant issues might include:

- ✓ When should the review process start and by what date should it be completed? N.B. The target for each review should be for completion of a Safeguarding Adults Review within 6 months of initiating it.
- ✓ How the adult who is the subject of the review and/or family members/carers should contribute to the review, and who should facilitate their involvement? What are the most important issues to address in trying to learn from this specific case? How can the relevant information best be obtained and analysed?
- ✓ Is the Process proposed by the subgroup still the right process?
- ✓ Are there features of the case which indicate that any part of the review process should involve, or be conducted by, a party independent of the professionals/organisations that need to participate in the review?
- ✓ Would it help the review panel to bring in an outside expert at any stage to shed light on crucial aspects of the case?
- ✓ How are the adult and or their family going to be involved in the process?
- ✓ Over what time period should events be reviewed, i.e. how far back should enquiries go, and what is the cut-off point?
- ✓ What family history/background information will help to better understand the present?
- ✓ Which organisations and professionals should contribute to the review?
- ✓ Is there a need to involve organisations/professionals in other SAB areas, and what should be the respective roles and responsibilities of other SAB's with an interest?
- ✓ How should the Safeguarding Adults Review process take account of a coroner's inquiry, and any criminal investigations or proceedings related to the case?  
*Seek advice from police regarding potential conflict with ongoing police investigation*
- ✓ What is the best way to liaise with the coroner and/or the Crown Prosecution Service?
- ✓ How should the review process fit in with other reviews?
- ✓ Who will make the link with relevant interests outside the main statutory organisations e.g. independent professionals and voluntary organisations?
- ✓ When should the review process start and by what date should it be completed?
- ✓ How should any public, family and media interest be handled, before, during, and after the review?

- ✓ Does the Buckinghamshire Safeguarding Adults Board need to obtain independent legal advice about any aspect of the proposed review?

10.2 Some of these issues may need to be revisited as the review progresses and new information emerges..

## **11. Timescales**

11.1 Reviews will vary widely in breadth and complexity. In all cases, lessons should be learned and acted upon as quickly as possible.

11.2 Reviews should be completed within six months, unless an alternative timescale is agreed.

11.3 Sometimes the complexity of a case does not become apparent until the review is in progress. As soon as it emerges a review cannot be completed within six months of the chair's decision to initiate it, the chair of the Buckinghamshire Safeguarding Adults Board must agree a timescale for completion.

11.4 In some cases, criminal proceedings may follow the death or serious injury of a vulnerable adult. Those co-ordinating the review should discuss with the relevant criminal justice agencies how the review process should take account of such proceedings e.g. how does this affect timing, the way in which the review is conducted (including interviews of relevant personnel), who should contribute and at what stage?

11.5 Adults Reviews should not be delayed as a matter of course because of outstanding criminal proceedings or an outstanding decision on whether or not to prosecute. However, the views of the police and crown prosecution service should always be sought.

11.6 In some cases it may not be possible to complete or to publish a review until after coroner or criminal proceedings have been concluded, but this should not prevent early lessons from being implemented.

## **12. Who should be involved in the Safeguarding Adults Review?**

12.1 Initial scoping of the review should identify contributors, though it may emerge as information becomes available that the involvement of others would be useful - in particular, information of relevance to the review may become available through criminal proceedings.

12.2 Each relevant service should designate an appropriate professional to be the review panel member. Each Safeguarding Adults Review needs consistent input and engagement from the agencies involved in order to ensure an efficient and high quality end product. This needs to be considered when selecting the panel member.

12.3 As part of the process of information gathering each agency may want to undertake a separate management review of its involvement with the vulnerable adult (see below). This should begin as soon as a decision is taken to proceed with a review, and sooner if a case gives rise to concerns within the individual organisation.

12.4 Where a court of protection contributes to the review, prior agreement of the court should be sought so that those bound by a duty of confidentiality under court rules are able to contribute.

### **13. Process for Conducting a Safeguarding Adults Review**

The following process is proposed following the decision to commission a review being ratified by the Safeguarding Adults Board Chair:

#### **13.1 Set up Meeting;-**

A panel should be convened. The first task is of the panel is to agree:

- ✓ Terms of reference already outlined by Safeguarding Adults Review subgroup
- ✓ Evidence required from each agency or person, stating whether this is through investigation or collected in other ways
- ✓ How and whether the vulnerable adult, family, carer or significant others are to contribute
- ✓ Support and other resources needed
- ✓ Timescales for reports to the chair of the panel and completion of the review
- ✓ Dates, times and places of meetings
- ✓ Any legal advice required, in particular:
  - Data Protection
  - Freedom of Information Act
  - Human Rights Act
  - Mental Capacity Act.

13.2 Subsequent Meetings. A number of subsequent and sequential meetings will take place dependent on the complexity and nature of the review. Where possible the dates for these meetings should be set in advance. Panel members should make every effort to prioritise these meetings to ensure consistent engagement and the production of a quality end product.

#### **13.3 Information gathering. This may include;-**

- ✓ Production of chronologies
- ✓ Individual Management Reviews if used
- ✓ Interviews with staff and family

13.4 Production of overview report. This should include all action plans from Individual Management Reviews plus any further actions from the lead reviewer. Action plans should be explicit as to;-

- ✓ Actions, expected outcomes and who is responsible
- ✓ Time-scales for completion

13.5 Sign off by Review panel. Review the findings against the agreed terms of reference or requirements. The panel chair should ask the review panel to sign off the Safeguarding Adults Review, its reports and action plans by using the Sign off Sheet attached at appendix 4

13.6 Presentation back to the Safeguarding Adults Review subgroup. The Safeguarding Adults Review BC should quality check using the Sign off Sheet at appendix 4.

13.7 Presentation to Safeguarding Adults Board. The Safeguarding Adults Board should agree what action is to be taken from the findings and;-

- ✓ Make sure that the overview report includes an executive summary that can be made public
- ✓ Agree an action plan from the recommendations in the overview report, to be included in the board's overall work plan
- ✓ Determine which part of the report is made available, to whom and in what format.
- ✓ Include the findings from any Safeguarding Adults Review in its annual report together with what actions it has taken/intends to take in relation to those findings.
- ✓ When the Executive Summary will be published on the website and sent to the adult or and family members.
- ✓ Programme for lessons learnt.