

# Inter-authority Adult Support and Protection Investigations

## 1) Introduction

- 1.1) These arrangements recognise the challenge of investigating situations of harm where care arrangements for the adult at risk are complicated by cross boundary considerations. These may arise, for instance, where funding / commissioning responsibility lies with one local authority and where concerns about an adult at risk of harm subsequently arise in another. This would also apply where the individual lives or receives services in one authority area and / or is admitted to hospital for medical / psychiatric treatment in another.
- 1.2) This protocol addresses the following scenarios:
  - a) When the alleged harm has occurred within the temporary service, hospital or clinic;
  - b) When the alleged harm has occurred in their home area to where they will return.

## 2) Aims

- 2.1) This protocol aims to clarify the responsibilities of local authorities in relation to adult protection investigations and it outlines the duties of the 'home authority' from where the adult originated, as well as the 'host authority' where the adult is currently residing. In exceptional cases with complex funding arrangements and where there is prolonged hospital admission it may be necessary to discuss the complexities with the Lead Officer for Adult Support & protection and/or senior managers.
- 2.2) This protocol should be read in conjunction with section 53 of the Adult Support and Protection (Scotland) Act 2007 which defines:
  - Council as "a council constituted under section 2 of the Local Government (Scotland) Act 1994 (c.39); and references to a council in relation to any person known or believed to be an adult at risk are references to the council for the area which the person is for the time being in";
  - Care Inspectorate is the independent scrutiny and improvement body and has a regulatory role in considering the safety of all service users in any registered care service under the Public Services Reform (Scotland) Act 2010.

## 3) Definitions

- **Home authority – the Council where the individual ordinarily resides;**
- **Host authority – the Council where the adult at risk is currently located.**

## 4) Principles

- The **host** authority will have overall responsibility for co-ordinating the adult protection arrangements;
- The **host** authority will ensure that service level agreements include requirements that the care provider adhere to local adult protection procedures, specifically in terms of notification of adult protection concerns;
- The **home** authority will have a continuing duty of care to the adult at risk of harm;
- The **home** authority should ensure that the provider, in contractual specifications, has arrangements in place for protecting adults who may be at risk of harm and for managing concerns, which in turn link with local policy and procedures set out by the host authority;
- The **home** authority will provide any necessary support and information to the host authority to facilitate a robust and thorough investigation.

## 5) Responsibilities

- 5.1) The host authority will co-ordinate initial inquiries and will ensure prompt notification to the home authority and all other relevant agencies;
- 5.2) If, during their hospital stay or a temporary residency, an adult discloses abuse / harm occurring in their home authority, it is the responsibility of the home authority to undertake the investigation (IRD with local Police) and develop protection plans to facilitate a safe discharge home;
- 5.3) It is the responsibility of the host authority to co-ordinate any investigation of institutional harm. If the alleged harm took place in a hospital, residential or nursing home, other people could potentially be at risk and inquiries should be carried out with this in mind;
- 5.4) The Care Inspectorate should be included in investigations involving regulated care providers and inquiries should make reference to their adult protection guidance;
- 5.5) There will be instances where allegations relate to one individual only and in these cases it may be appropriate to negotiate with the home authority to undertake certain aspects of the investigation, particularly historical abuse and / or harm that has occurred at home to which the adult will return. However, the host authority should retain the overall co-ordinating role throughout the investigation;
- 5.6) The home authority will be responsible for providing support to the adult at risk(s) and planning their future care needs. If there are a number of residents funded by the home authority it is usually negotiated for that authority to undertake any reviews;
- 5.7) The host authority should nominate a link person for liaison purposes during the investigation. They will be invited to attend any Adult Support and Protection strategy meeting and / or may be required to submit a written report.

## 6) Responsibilities of Provider Agencies

- 6.1) Provider agencies are responsible for ensuring all their staff can identify and respond appropriately to situations where harm is alleged;
- 6.2) Provider agencies should have in place suitable adult protection procedures to prevent and respond to harm which link with the local inter-agency policy and procedures set out by the host authority;
- 6.3) Providers should ensure that any allegation or complaint about harm is brought promptly to the attention of Social Work Services, the Police and / or Care Inspectorate in accordance with local inter-agency policy and procedures;
- 6.4) Provider agencies have responsibilities under the Regulation of Care (Scotland) Act 2001 to notify their local Care Inspectorate office of any allegations of abuse or any other significant incidents;
- 6.5) Provider agencies who have services registered in more than one local authority area will defer to the Care Inspectorate office relevant to the area in which the alleged harm took place.

**May 2016** (Protocol drafted by Adult Protection Lead Officers for Edinburgh; East and Mid Lothian; West Lothian and the Scottish Borders)