

SAFEGUARDING ADULTS CONTACTING AND INVOLVING THE POLICE

Safeguarding Adult Guidance Note Form SA14

1. Introduction

This Telford & Wrekin Guidance note has been developed locally (based on an original guidance note developed by Hackney council) to support the practice implementation to the **Safeguarding Adults: Multi-Agency Policy and Procedures for the West Midlands** (referred to in this document) as **WMP&P**. This guidance is to be used in conjunction with the **WMP&P** and reflects the local practice guidance for work with the police in Safeguarding Adults.

A full copy of **WMP&P** can be found at:

<http://www.scie.org.uk/publications/reports/report60/files/report60.pdf>

2. Emergency Actions

In all situations when a crime has been or is about to be committed, all alerters should call 999 or the local police. In all emergency situations, the alerter should call 999 immediately. This will include situations where:

- Someone's life may be in danger.
- There is likely to be evidence that needs to be preserved.
- Someone is alleging that they have recently been sexually assaulted.
- Someone has been injured as a result of a physical assault.
- An allegation is made regarding a recent incident of theft.
- The alleged perpetrator needs to be removed.
- There is reason to believe that a crime is in progress.

If there is any doubt about whether there is an emergency, call 999 and seek Police advice.

3. Forwarding Alerts To The Police: Guidance for Access and other referring social care teams

All alerts should be considered as to whether they are a crime and require actions by the Police. If it is clear that a crime has been committed these can be sent immediately to the Police.

Access and other social care teams should complete a risk of harm assessment within same working day of receipt of an alert. This will establish whether the threshold for risk of significant harm has been met to instigate a referral into safeguarding adults procedures within same working day . Actions from this could be:

- No further action under the safeguarding adults process.
- No police involvement, but a safeguarding adults investigation maybe required.
- Consultation with the police.
- Clear indication crime was likely to be committed.

The supporting police referral tool provides a framework for identifying whether a clear crime was likely to be committed. Cases that meet the criteria should be referred to the police. In cases where it is difficult to decide whether police involvement is necessary case workers should contact the police to discuss.

4. Contact Details for the Police

In an emergency:

Please dial 999.

Police contacts for non-emergency matters:

The Public Protection Unit

01952 214796

Email: DL-GVulnerableAdults@westmercia.pnn.police.uk

For non-emergency matters outside of the core hours of 0900hrs to 1700hrs, please dial 101.

5. Background Checks

The Police are able to support investigations lead by health and adult social care where a background check on the person alleged to have caused harm is required. All requests for background checks on individuals should be made using the contact details above. Information that must be included in this request for background information is the name of the individual a check is being requested on, their date of birth, and last known address. Additional information should include valid reason for why the check is being requested.

6. Consent to involve the Police

In most cases staff would obtain the consent of the adult at risk before calling the Police.

The decision as to whether this consent can be overridden or dispensed with will depend on:

- The seriousness of the incident.
- Any risks to other vulnerable adults/children.
- The Mental Capacity of the individual to understand and make that decision.
- Wider issues such as the “duty of care” to a very vulnerable adult at risk who is exposing themselves to a high risk.

When an individual declines contact with the Police, an assessment as to what would be in the *best interests* of that individual may need to be made at the strategy meeting.

7. The involvement of the Police in the Safeguarding Adults Strategy and Case Conference Meetings

The Investigating worker will take responsibility for ensuring the Police participate/are invited to the Strategy discussion/meeting when the Police are investigating an incident. The Police should be invited to the Strategy Meeting if the level and appropriateness of Police involvement is still being considered.

If there has been no previous contact with the Police the invitation would normally be directed towards the police contacts highlighted in section 4 above.

If, on receiving information on the case and discussion with investigating worker, the Police do not think that it is relevant for them to attend then the reasons for this decision must be recorded in full within the strategy discussion notes or minutes for the meeting.

If the Police have already been involved with the case, the Officer who has been leading the investigation or their representative will be expected to

participate/attend the Strategy discussion/ Meeting and where appropriate provide an up to date report for the meeting.

The Police are committed to working in partnership when investigating the abuse of a adult at risk and there is an expectation that all relevant information relating to an alleged offender will be shared at the meeting within an environment of mutual trust and confidentiality.

If someone has been charged with an offence the Officer may be restricted as to what they can say about the investigation and the minutes may be subject of disclosure and required for court.

8. Police as the Lead Agency

Guidance from *No Secrets* on Criminal Offences and Safeguarding Adults Investigations states that some instances of abuse will constitute a criminal offence and that adults at risk are entitled to the protection of the law in the same way as other members of the public.

Where the Police decide to investigate a crime, they will act as the Lead Agency in the conduct of their investigation. All other aspects in relation to the person's safety and well-being must be clearly identified and addressed using the safeguarding adults procedures.

All investigations involving the Police are governed by the legal requirements of PACE (Police and Criminal Evidence Act 1984). This means that all Police enquiries have to conform to certain standards in terms of interviewing practice, the involvement of appropriate adults and the collection and analysis of evidence. The Police can advise other agencies on the likely impact of PACE requirements.

The Police will keep the investigating worker and/or team leader and/or the Safeguarding Adults Team informed about the progress of their investigation.

Staff making the report to the Police will ask for, and make a note of, the incident (OIS) number.

A Police Officer will attend and undertake the initial investigation. The Police Officer will work closely with the health and social care staff who know the adult at risk.

Any health and social care professionals who may be supporting the adult at risk will always listen to advice from the Police with respect to actions recommended to ensure the adult at risk's safety.

It may not become apparent at the beginning of a Safeguarding Adults Investigation that the matter being dealt with constitutes a crime. If in the

course of the investigation there are concerns that a crime may have been committed, then it must be reported immediately to the Police.

9. Potentially dangerous offenders

If there are serious concerns about a potentially dangerous offender, the Police will call a meeting of the Multi-Agency Public Protection Panel (MAPPP) - detailed within the High Risk Public Protection Protocol and Criminal Justice and Court Services Act 2000, Sections 67 and 68.

10. Evidence

The first concern must be to ensure the safety and well-being of the alleged victim.

However, in situations where there has been or may have been a crime and the police

have been called it is important that forensic and other evidence is collected and

preserved. The police will attend the scene, and agencies and individuals can play an

important part in ensuring that evidence is not contaminated or lost.

- Try not to disturb the scene, clothing or victim if at all possible.
- Secure the scene, for example, lock the door.
- Preserve all containers, documents, locations, etc.
- Evidence may be present even if you cannot actually see anything.
- If in doubt contact the police and ask for advice.

The Preservation of Evidence

When dealing with any allegation of abuse consideration must be given to whether it is necessary to preserve any evidence relating to the incident. This will be particularly relevant when dealing with allegations that involve a recent physical or sexual assault. To enable the Police to investigate effectively it is crucial that evidence is preserved. If in doubt consult the Police on the telephone prior to their arrival.

The wellbeing of the alleged victim must be the first priority, however it is important, as far as possible, to preserve any evidence. However, you will not be held accountable if you inadvertently destroy or invalidate evidence.

What is done or not done, in the time prior to the Police arriving on the scene, may make a difference to their investigation.

The following advice applies:

- Examination of the alleged victim will only be necessary to determine the extent of injury, provide first aid or arrange for transfer to hospital.
- Try not to have physical contact with either the alleged victim or the alleged perpetrator, as evidence may be destroyed or invalidated by cross contamination.

- Where possible, leave things as they are. If anything has to be handled, keep this to a minimum. Do not clean up. Do not touch what you do not have to touch.
- Leave weapons where they are unless they are handed to you. If you handle them, take care not to destroy fingerprints. If you are given items of possible interest, avoid handling them wherever possible. Keep in a safe, dry place until the Police are able to collect.
- Do not wash anything or in any way remove blood, fibres etc.
- Preserve the clothing and footwear of the alleged victim. Handle these as little as possible. Preserve anything used to comfort or warm an alleged victim e.g. a blanket.
- Note in writing the injuries and state of the clothing of both the alleged victim and the alleged perpetrator. Ensure that your notes detail the conditions and attitudes of the people involved in the incident.
- Note and preserve any obvious evidence such as footprints or fingerprints or any other evidence, which may have been left behind by the suspect.
- Secure the scene and do not allow anyone to enter until the Police arrive, with the exception of medical staff if the alleged victim requires medical attention.
- When dealing with allegations of financial abuse or irregularities, documentation should not be removed.

Achieving best evidence

The Youth Justice and Criminal Evidence Act (1999) makes provision for vulnerable or intimidated witnesses to be eligible for 'Special Measures'. A vulnerable or intimidated witness is defined as someone who:

- Is under the age of 18 at the time of the hearing (S.21).
- Suffers from a mental disorder within the meaning of the Mental Health Act 1983, or who has a significant impairment of intelligence or social functioning, or who has a physical disability or disorder. In these cases the court must be satisfied that the quality of the evidence given by the witness is likely to be diminished due to the mental disorder (S.16).
- A witness whose evidence, in the opinion of the court, is likely to be diminished by fear or distress about testifying (S.17).

The 'Special Measures' include:

- Screening witnesses from the accused (S.23).
- Evidence by live link (S. 24).
- Evidence given in private i.e. clearing the court (S.25).
- Removal of wigs and gowns (S.26).
- Video recorded evidence in chief (S.27).
- Video recorded cross-examination or re-examination (S. 28).
- Examination of witnesses through an intermediary (S.29).
- Aids to communication (S.30).

The fact that a witness is eligible for 'Special Measures' will not automatically mean the measures will be made available at trial.

The reason for this is:

- The court must determine if any Special Measure would be likely to improve the quality of evidence and if so, which Special Measure would maximise the quality of evidence. (S.19.2).
- The court must then, before making a Special Measures direction, consider all the circumstances of the case, particularly the views of the witness and whether Special Measures might tend to inhibit the effective testing of the evidence by the defendant. (S.19.3).

DECISION SUPPORT TOOL WHEN TO REFER TO THE POLICE

This tool has been developed (from a tool in Hackney) in order to facilitate more appropriate referrals to Telford police for safeguarding adults cases which may indicate that a crime has been committed.

This risk assessment can be used by an investigating worker or managing officer when they are unsure whether an alert is a criminal matter. If you checked 'yes' to any of the areas below then the alert should be sent to the Police in line with the guidance note with working with the police.

If after using this tool there continues to be any doubt or questions on whether a criminal act has taken place, then this should be discussed directly with the police.

In emergency situations the Police should be contacted by dialling 999. In cases where a criminal act is indicated the alert should be sent to the police in line with the procedure guidance note above.

Yes	No	Does the alert or initial fact finding contain information relating to
		Physical violence or verbal threats of intended violence
		Harassment of an adult at risk
		Threats via email, text phone or other communication methods
		Incidents of discrimination relating to race, sexuality, disability etc.
		Domestic violence (includes any relationship within the home)
		Sexual matters where there is no consent
		Sexual matters involving a member of staff
		Sexual matters where there may be issues of capacity to consent
		Fraud or theft where a person has been permanently deprived of their money, goods or property
		The misuse of misappropriation of property, possessions or benefits
		Identity Fraud, both in personal and professional situations
		Rogue Traders
		Wilful neglect (neglect where a person does not have capacity)
		Illegal drugs or misuse of controlled / prescription drugs
		Incidents of serious injury
		Forced marriage
		Honour based violence
		Issues related to serious breach of Health and Safety law
		Referrals that detail significant harm or death of a service user
		Human trafficking

The above list is not exhaustive and there will be situations which may warrant a criminal investigation; if in doubt the Police should always be consulted in emergency situations.