

Professional discretion in the construction of Adult Safeguarding Concerns



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Introduction

- Constructing safeguarding concerns
- Research - Models of Safeguarding
- Staged Constructions of Safeguarding concerns
- Professional judgement
- Thresholds and Tools
- Safeguarding and other responses
- Discussion/conclusion

Constructing adult safeguarding concerns



- Adult safeguarding a construction within power relationships
- Adult protection policies:
 - ...interpret certain kinds of events or circumstances to represent certain kinds of problem, when alternative interpretations would be possible and have been reached in other national and historical contexts (Johnson et al 2012: p204)
- Social workers and other practitioners operate as Street Level Bureaucrats (Lipsky) operating different conceptions of adult protection according to local circumstances

Johnson 2012

Short summary of Models of Safeguarding research

- Phase 1 – Literature review and interviews with up to 30 local authority adult safeguarding coordinators

Phases 2 & 3 are taking place in 6 selected sites:

- Phase 2 – Quantitative data – AVA + Adult Social Care User survey
- Phase 3 – Interviews with staff, service users, LA solicitors/managers and care staff e.g. care home manager)

Staged construction

- ‘Talk before form’
 - we want to talk to people; we want to understand the circumstances, we want to ask the questions before anything goes onto a form.’ Safeguarding Manager 30
- Is the person covered by safeguarding?
 - ‘that initial screening would be at the front door and it would be around, are they a vulnerable adult?’ Safeguarding Manager 29
- Safeguarding or not?
 - ‘They [First contact team] ask a question; ...is it a safeguarding alert? Yes – risk assessment, information gathering... Threshold met? Yes – adult protection; No – other process with an explanation as to what you’ve done’ Safeguarding Manager 05



Role of professional judgement

- Judgement not process?
 - ‘...it’s not about rules, it’s about values, it’s about principles and it’s about judgement, and we pay you to use your judgement.’ Safeguarding manager 02
- Judgement of the need for further investigation
 - ‘I think we ask professionals to use their judgement to say well, I’m going to investigate this because I want to know what’s going on. You know, I’m not satisfied with the responses that they’ve been giving.’ Safeguarding manager 05
- Judgement of safeguarding - inconsistencies
 - ‘I think what’s been happening is people have been using their own judgement as to whether or not it’s an adult protection case and the problem with that is it brings massive inconsistencies.’ Safeguarding manager 05



Judgement and evidence

- Balance of evidence against judgement
 - ‘...some of the safeguarding training, particularly around people who are undertaking investigations, was often delivered by ex-police and with an over-emphasis on disclosure interviews, evidence tainting, evidence gathering.’ Safeguarding Manager 02
- Evidence gathering - ‘Prodding’
 - ‘So you cannot afford to just make rash, un-prodded decisions. But getting the level of prodding right is quite an art and quite a skill.’ Safeguarding Manager 18



Context and history



- Patterns
 - ‘ “Oh, hang on, this is the third alert for X care home for Y domiciliary care agency for Z hospital.”’ Safeguarding Manager 11
- Family contexts and relationships
 - ‘You’ve got a relative, it’s someone’s son, yes they may be stealing money, but mum doesn’t actually want to be going through safeguarding. Now, if the son also happens to be working or is in a care home, then obviously that’s got wider concerns.’ Safeguarding Manager 18
- Interpreting cultural differences
 - ‘So BME communities, there are issues; what seems to be a safeguarding issue for the community may not be the same for other communities.’ Safeguarding Manager 10

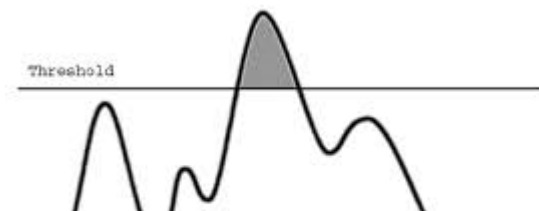
'Significant harm'



- What is 'significant'?
 - Again, you would be thinking – when you think about alert, you would be thinking, well, is there risk of significant harm – is that significant harm? So I think there's a judgment call.'
Safeguarding Manager 18
- Importance of 'significant harm'
 - But what I keep trying to reinforce with people is you can start an investigation, but it doesn't necessarily have to conclude if you find that it's not met significant harm halfway through, for example
- Danger of 'significant harm'
 - 'I've sort of tried to divert away from that sort of definition [significant harm] because it sort of – I think it sent, in some circles, it sent the wrong message, suggesting that, actually there is a tolerable level of neglect or abuse that doesn't result in significant harm, that we don't think is serious', Safeguarding Manager

Role of thresholds and tools

- Intervening or not?
 - ‘... I’d say that was one of my biggest challenges, really. Because you can get dragged into, like, really trivial situations; somebody’s shouted at somebody else.’ Safeguarding Manager 23
- Identifying whether safeguarding is the best response
 - if it’s a one-off thing and it’s of low-level concern, and we’re satisfied that it’s been dealt with, then for me, that’s not adult protection, because there are better systems to deal with it and that’s what matters. Safeguarding Manager 05
- Structured judgements
 - We developed a risk-assessment model in [Area 24]... which moves away from the sort of tick list approach to and collating as much relevant information as possible to a more management [approach], allowing people to analyse what the potential risks are and what the consequences are.’ Safeguarding Manager 24



Safeguarding and other responses



- Safeguarding or domestic violence?
 - ...when I went out to look at that it wasn't safeguarding it was domestic abuse, but he was just saying he was a stressed-out carer. But because he was 75 and she had dementia, I didn't ask any more questions, you know, about him potentially being a perpetrator.
 - Safeguarding or contract compliance/quality?
 - 'So when is a care worker not turning up, is that a contracting issue or is that a safeguarding issue? Missed medication. One tablet missed – that's not really safeguarding, that's more contracts compliance.'
- Safeguarding Manager 04

Comparison with other responses to concerns

- Different not more or less important:
 - ‘frankly, the frayed carpet at the top of the stairs in a residential home is probably more important to deal with than any individual Safeguarding.’ Safeguarding Manager 05
- Overusing safeguarding makes other responses difficult
 - It (inappropriate safeguarding response) makes strategic management of resources difficult, because, where do we target training? Where do we target our quality assurance, our improvements around?’ Safeguarding Manager 05
- Other responses more acceptable?
 - ...is it better to do a piece of work with people that is going to engage them rather than something that’s likely to alienate them and actually isn’t necessarily warranted when you strictly look at the procedures?...Frankly, you could put virtually everything under the sun under adult safeguarding. Safeguarding Manager 18



Nature of safeguarding

- Safeguarding or adult protection?
 - ‘We’ve got people that are actually unable to **safeguard** themselves, or are so **vulnerable** that in fact there’s a need for quite formal intervention under procedures (**Adult protection**). But the whole **safeguarding** world and safeguarding planning is a **much bigger deal**.’
Safeguarding Manager 18
- Narrative (ie subjective and interpretive)
 - ‘... language is very important, I think, in adult safeguarding work, and a large part of it is narrative-based work.’ Safeguarding Manager 02

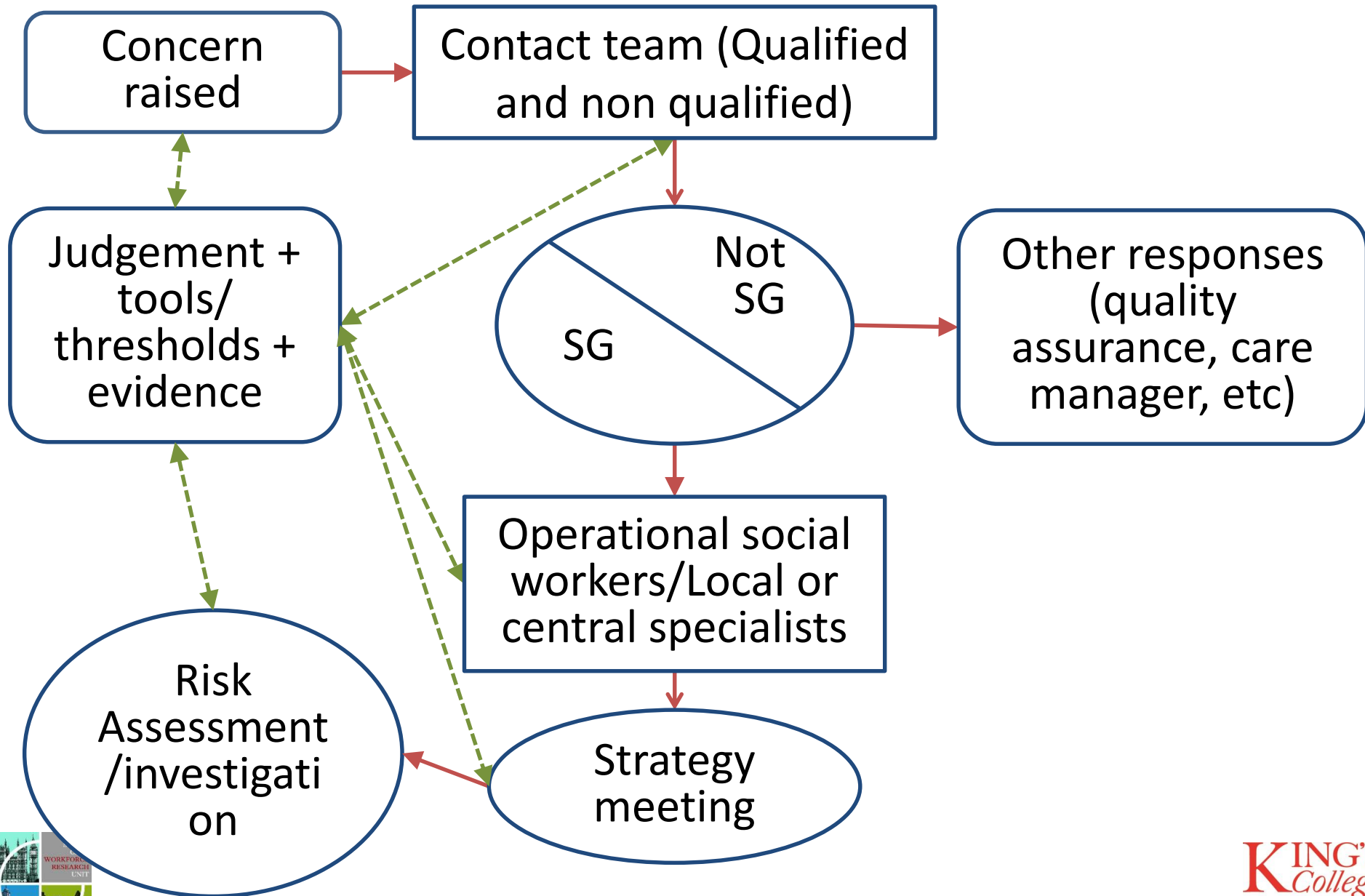


Nature of safeguarding

- Fuzzy boundaries
 - ‘it now is a very broad concept, which veers into quality in governance on one side, crime and disorder on the other, so there are a lot of loose connections, inevitably, you know.’ Safeguarding Manager 23
- Only part of keeping people safe
 - ‘...to keep people safe, our philosophy is very much around it is not a safeguarding discrete function that keeps people safe, it is people’s support, it is the circles of support around them, it is providers, it is the community’, Safeguarding Manager 30
- Long-term intervention not quick fix
 - ‘We see it as an instant intervention and as protection, and actually, we need to see it as a long-term situation around protective factors, circles of support, family.’ Safeguarding Manager 30



Discretion in constructing safeguarding



Discussion

- Safeguarding concerns constructed in stages – successive narratives
- Professionals have much ‘room’ for use of their own judgement and therefore discretion at each stage
- Qualified and unqualified professionals have some discretion
- Judgement structured by thresholds and tools – which impose a particular conceptions of safeguarding
- Deliberate choice between safeguarding and other responses to concerns
- Implementation of safeguarding affects personnel involved in making judgements.
- Importance of regular supervision and interaction with service user perspectives

Thank you

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