

Information Governance Office  
Maudsley Hospital  
Denmark Hill  
London  
SE5 8AZ

Email: [foi@slam.nhs.uk](mailto:foi@slam.nhs.uk)

5<sup>th</sup> October 2018

Dear Mr Gasson,

**RE: Your Information Request**

Thank you for your request for information received on 10<sup>th</sup> September 2018 regarding adult safeguarding concerns under the terms of the Freedom of Information Act (2000).

You requested the following:

1(1) How do you ensure the person helping them investigate that has the integrity to make that an independent, fair and robust process?

Section 42 of the Care Act 2014 places a duty on the local authority to make enquiries or cause others to do so if there are concerns that an adult is at risk of abuse or neglect and they are unable to protect themselves. The local authority has overall responsibility on how any investigation is undertaken. The Local Authority will scrutinise the process to provide assurance that the process is fair and is objective and robust as possible.

Following recommendations made from the Francis Inquiry (2013) into Mid-Staffordshire NHS Foundation Trust, the 2014 amendments to the Health and Social Care Act (2008) brought a statutory responsibility to NHS organisations to demonstrate a duty of candour. Good safeguarding practice requires openness and transparency. This is vital in relation to any safeguarding concerns involving Trust staff or services. All staff must adhere to the SLAM *Being Open and Duty of Candour Policy 2014*.

(2) How do council staff in an NHS trust and vice-versa maintain their impartiality?

Impartiality can be maintained by ensuring that the Safeguarding Manager based within the local authority is able to provide independent scrutiny of the enquiry process. The Safeguarding Manager is able to ~~able to~~ construct the terms of reference and monitor the process of the investigation. They may in some circumstances refer the outcome to the Adult Safeguarding Board, a multi-agency forum, for further review by an independent person to scrutinize the process and identify learning points for all partner agencies.

(3) How long is reasonable for an organisation to respond to a safeguarding concern?

There should be an immediate response in terms of ensuring the safety of the individual at risk in order to protect them from further abuse. South London & Maudsley NHS Trust Safeguarding Adult Policy 2016 states that the concern should be notified to the local authority within one working day. The concern should be addressed immediately in order to ensure the safety of the person at risk. Any investigation or enquiry should commence within 5 working days and dependent on the complexity and service user agreement conclude within 20 working days

(4) How many safeguarding concerns have been raised about an individual potentially being made vulnerable through failings in your care in the last year?

There were 23 concerns raised during the period April 2017 – March 2018 where a South London and Maudsley employee was alleged to be the source of risk.

(5) If an organisation has gone through its internal complaints process and not found fault, will someone who's sat in that organisation for three years and has their corporate email find fault?

Complainants who are dissatisfied with the Trust's response at the Local Resolution stage may ask the Parliamentary and Health Service Ombudsman (PHSO) for an independent review of their complaint. The Parliamentary and Health Service Ombudsman is an independent body established to promote improvements in health care through the assessment of the performance of those who provide services.

(6) If medication is prescribed by the trust and a patient experiences side effects, what should Trust staff do?

Please refer to the section 7 of the enclosed medicines policy which outlines the role of the prescriber.

(7) If the concern is about physical health and the side effects of medication, why would that investigation be referred to a mental health trust?

The Trust works in partnership with Local Authorities and other partner agencies as part of a wider agency approach, to ensure effective safeguarding across our local communities. The Local Authority is able to request any partner agency to undertake an enquiry on their behalf as stipulated in the Care Act 2014. It is the Local Authorities responsibility to identify the most appropriate service or individual to investigate the concern. Within South London and Maudsley NHS Foundation Trust we have physical health care leads who are able to contribute to investigations and if necessary consult with colleagues with acute physical health care services

(8) If an individual has said an organisations care is at fault and has therefore made them vulnerable is it acceptable to pass a safeguarding concern to an individual sitting within that organisation?

The Trust's ***Being open & Duty of Candour policy*** specifies that we have a contractual duty as an NHS provider to be open and honest. This policy describes how South London and Maudsley NHS Foundation Trust (SLaM) will demonstrate its openness with service users and relatives when mistakes are made. Being Open is a set of principles that healthcare staff should use when communicating with service users, their families and carers following an incident in which the service user was harmed.

It is therefore a condition of employment that staff are open and honest and as an organisation we should be transparent and learn from mistakes,

(9) What support is given to the individual who has raised a safeguarding concern to help them through that process? And by who?

Support is available from each local authority to ensure that individuals are able to raise safeguarding concerns. All staff receive training on safeguarding adults and we would expect all South London & Maudsley NHS Trust staff to be able to identify abuse or neglect and raise an concern or support one else to do so.

(10) Does your PALS service provide any advocacy help? And would they be suitable to help someone in a safeguarding investigation if their Care Co-ordinator can't?

The PALS team do not provide advocacy but they can signpost individuals to the appropriate advocacy organisations.

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If you have any queries about this letter or if you are unhappy with the service you have received in relation to your request and wish to make a complaint or request a review of our decision, please do not hesitate to contact the Information Governance Office via [foi@slam.nhs.uk](mailto:foi@slam.nhs.uk)

If you are not content with the outcome of your complaint, you may apply to the Information Commissioner for a decision. Generally, the ICO cannot make a decision unless you have exhausted the complaints procedure provided by South London and Maudsley NHS Foundation Trust. The Information Commissioner can be contacted at:

The Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire SK9 5AF

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Toyin Kazeem', is centered on a light blue rectangular background.

Toyin Kazeem  
Archives and Assurance Manager