Stage 5: The Case Conference and Panel

This Stage covers:
- Purpose of Case Conference and Panel
- Decision Makers
- Roles and Responsibilities

This stage of the procedures covers those safeguarding cases where it may be more appropriate for a determination to be made whether abuse has taken place within a second strategy Meeting or Case Conference rather than taking the case to the Safeguarding Panel.

It is expected that the majority of cases will be concluded at the case conference stage

Examples of types of cases include:
- Where it has been established through the Mental Capacity Act and Best Interest Decision that it would not be in the victims best interests for them and/or the alleged perpetrator to be presented to The Safeguarding Panel, e.g. a person who appears to have a close relationship with a family member who is the alleged perpetrator and it would be reasonable to presume that if the victim had capacity they would not wish their family member to be presented to The Safeguarding Panel.
- Where it would severely and significantly hinder any future opportunities to engage with the victim to enable on-going continued access and monitoring of the victim e.g. a person living with their family in the community and it is strongly suspected that attending panel would result in the family refusing to engage in any further support from services and attempt to stop access to the victim.
- Both the victim and the alleged perpetrator are both vulnerable adults in their own right and the alleged perpetrator is not able to meet their own needs because of significant difficulties e.g. a person living with a family member who has their own significant physical or mental health/mobility/age related/disability issues and who is the victims only/primary carer.
- The victim has been assessed as having capacity and has consented to the investigation but does not want the case to go The Safeguarding Panel.

16.27 Decision makers and criteria

The decision to take a case to the safeguarding to panel will be made by either by the case conference or a Senior Practitioner and/ or Operational lead. To support the decision making the following criteria will apply:
- Where a outcome of the investigation cannot be agreed
- Where there are multiple adult at risk referrals in relation to one provider
16.28 Roles and responsibilities

It would be the responsibility of the allocated worker to ensure that all relevant parties involved in the case including the referrer and the adult at risk were notified that the case would not be proceeding to the Safeguarding Panel and give the rational for this decision.

Any outstanding actions from the Strategy Meeting or Case Conference remain the responsibility of the allocated worker to ensure that these actions are carried out and an appropriate protection plan was put in place.

16.29 Adult Safeguarding Panels

Panels hear investigation findings and appeals about matters to do with adult safeguarding. These matters include abuse by neglect, physical abuse, financial abuse, sexual abuse, psychological or emotional abuse, abuse related to discrimination together with certain issues relating to hate incidents.

The panel has an overarching objective which is to deal with the case fairly and to give an opportunity for all relevant parties to have their say.

16.29.1 Hearings

A Safeguarding Panel hearing is not a Court or a Tribunal. The panel are independent professionals who have not had prior involvement with the case. A safeguarding panel is not open to the public.

16.29.2 Panel Members

The panel usually has three members and the chair of the panel will a registered professional from health, social care or the police. The other panel members will be a lay member and professional who can give professional advice and support in direct relation to the case.

16.29.3 Purpose of the Adult Safeguarding Hearing

The purpose of the panel is to:

- Receive the information contained in the investigation officers report(s) and any verbal information
- Consider the information provided
- Reach a decision about the outcome of the investigation

16.29.4 Safeguarding panel process

The panel will be held in two parts

- Part 1 – to receive the investigation officers report and other relevant reports
- Part 2 – to make decisions on the information presented and agree any protection plan and make recommendations
Part 1

Receive investigation and other reports

The panel should take place within 30 days of receiving the investigation report and the allocated worker together with their supervisor should be satisfied that there is a sufficient level of information to inform any decisions which need to be made.

The allocated worker, with support from business support, will arrange the panel and appoint the Chair. They will also ensure that a minute taker attends the meeting.

Part 2

Panel Decision/Outcome

If the panel substantiate or partially substantiate an allegation they will need to consider what action should be taken and:

- Request further information about the level of both current and future risk and how this should inform the protection plan. The protection plan will be the responsibility of the allocated worker to implement
- Consider if any legal or statutory actions are required including HR actions
- Record and review lessons learnt ensuring that they are shared with relevant governing bodies and the Safeguarding Adults Board

If an allegation is inconclusive or not substantiated the panel will:

- Make recommendations for improvement that has emerged during the panel process

16.29.5 Considering the information, deliberation and reaching a decision

The purpose of the Panel hearing is to evaluate the information and to determine the outcome on civil “balance of probabilities”. The NHS Information Centre for Health and Social Care identifies four possible outcomes for adult safeguarding allegations:

- Substantiated
- Partially substantiated
- Not substantiated
- Not determined/Inconclusive

The Panel also has a role in ensuring that any current protection plan is still relevant and appropriate.

16.29.6 Possible outcomes for the adult at risk

- Increased monitoring
- Removal from property/support, advice, services
- Assessment/services
- Application to Court of Protection
- Application to change appointeeship
- Referral to advocacy service
- Referral to counselling services
• Guardianship/use of Mental Health Act 1983
• Review of self-directed support
• Restriction/management of access
• Referral to MARAC
• Deprivation of Liberty application
• No further action

16.29.7 Possible outcomes for the person alleged to have caused harm
• Assessment/services
• Referral to the Police for consideration of further action
• Removal from property/support, advice, services
• Management of access to adult at risk
• Referral to Disclosure and Barring Service
• Referral to regulatory body
• Disciplinary action
• Enforcement action by CQC
• Continued monitoring
• Counselling/training
• Referral to court-mandated treatment
• Referral to MAPPA
• Action under Mental Health Act 1983
• Action by contract compliance
• Exoneration
• No further action

The Chair of the Panel and the panel members will adjourn to consider the information presented to them. They will make use of one of the rooms previously set aside as a waiting area.

The minute taker will accompany the Panel members to continue to record their deliberations. Additionally, the Panel’s deliberations will be recorded on digital recording equipment, for transcribing later. This will enable any Appeals Panel to have a full transcription of the deliberations of the Adult Safeguarding Panel members, as well as minutes of the meeting.

Panel members must:
• Be unanimously agreed or agreed 2-1 that an allegation is Substantiated, Partially Substantiated or Not Substantiated. Similar agreement must be reached where the outcome is inconclusive.
• Identify any recommendations and actions needed by whom and when. Agree who will feed these back to those in attendance at the Hearing.
• In discussing the information provided the Panel members must attempt to identify any immediate “lessons learned” which arise from the presentation of
the case. The Chair and other members of the Panel will decide who will feed these “lessons learned” back to those in attendance at the Hearing.

- The chair will were possible will verbally deliver the outcome of the hearing on the day of the hearing however some cases may require further deliberation and where this occurs the outcome will be given in writing to the Head of Service and allocated worker within 7 days of the hearing.

16.29.8 Review of the protection plan at the Panel Hearing

With the input of the adult at risk (or their representative) and the support of relevant and experienced practitioners, the Chair and Panel members will discuss and consider current levels of risk and make decisions about the mitigation of future risks. This may include recommending what action is appropriate where the allegation was not substantiated or was inconclusive, but where concerns remain about standards of care. A date for a review meeting must be agreed at the hearing.

16.30 Closing the safeguarding adult procedures

The safeguarding adult procedures can be closed following review or any time where the adult safeguarding plan is no longer required. The adult safeguarding plan will no longer be required when the adult is no longer at risk of abuse or neglect, or risks have reduced to the level that they can adequately and appropriately be managed or monitored through single agency processes, e.g. assessment and support planning processes, community policing responses, health service monitoring.

Decisions about concluding the safeguarding adult procedures should be made by, or in agreement with, the local Lead Agency, and should be clearly recorded with the rationale for the decision.

When the safeguarding adult procedure is concluded, feedback on the outcomes should be shared with the following agencies/individuals as appropriate:

- The adult.
- Their representative or advocate.
- The person / agency that raised the adult safeguarding concern (if this is agreed, legal and appropriate)
- The person / agency that were identified as the potential source of risk.
- Any other involved stakeholder agency/individual.

The consent of the adult to share information should be gained, and usual information sharing protocols adhered to.

Information relating to all stages of the investigation must be recorded, and all signed records uploaded into Liquid Logic. The practitioner must complete these actions prior to agreeing closure with their line manager.

Related documents

Panel hearing record
Panel hearing attendance sheet