

REPORT TO CABINET

Title: **SAFEGUARDING ADULTS**

Date: 26 March 2009

Member Reporting: Councillor Dudley

Contact Officer(s): Ed Thompson – 01628 683614

Wards affected: All Wards

1. SUMMARY

- 1.1 This council has a responsibility to ensure that there are effective multi-arrangements in place to safeguard and protect vulnerable adults from all forms of abuse including being deprived of their liberty within a care home, and to intervene when concerns of possible abuse and deprivation of liberties are raised.
- 1.2 Given the vital importance of safeguarding and the fact that it has moved to the centre of activity within adult services, it is proposed to carry out extensive publicity and training within the Royal Borough. This will involve significantly increasing the profile around adult safeguarding in the light of an increasing national emphasis on safeguarding and the development of the new policy procedures. This includes involvement with partner agencies including the independent and voluntary sector with the Royal Borough acting lead agency.

2. RECOMMENDATION: That:

- i) **The multi-agency work led by Adult Services to safeguard vulnerable adults be noted;**
- ii) **The establishment of a Safeguarding Board for Adults within the Royal Borough be supported;**
- iii) **The Strategic Director for Adult and Community Services and the Lead Member for Adult and Community Services be authorised to appoint an Independent Chair of the Safeguarding Board in cooperation with key partners on a sessional basis for 2 years;**
- iv) **The establishment of a Safeguarding Vulnerable Adults Manager within Adult Social Services who will also be the responsible officer for the co-ordination of DOL's (Deprivation of Liberty) work be approved;**

What will be different for residents as a result of this decision?
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All vulnerable citizens within the Royal Borough should feel confident that the Council is committed to operating zero tolerance in respect of adult abuse and that effective arrangements will be in place to protect the vulnerable people living in the Borough.

3. SUPPORTING INFORMATION

Background

- 3.1** In March 2000, the Department of Health (DoH) issued 'No Secrets', a national framework for the development of adult protection work. Adult protection is now more generally referred to as 'safeguarding adults'.
- 3.2** The aim of 'Safeguarding Adults' work is to help vulnerable adults to live a life that is free from abuse and neglect. This includes - but is not limited to - arrangements for responding to allegations of abuse by all agencies.
- 3.3** Local authorities in particular have a responsibility to follow the Department of Health guidance outlined in 'No Secrets' and coordinate a multi-agency approach to safeguarding against abuse and taking appropriate action when somebody is being abused or is at risk of abuse. In 2005 the Association of Directors of Adult Social Services in conjunction with other agencies with a responsibility for safeguarding issued a National Framework on which the current policies and procedures are based.
- 3.4** The terminology 'Safeguarding Adults' has been widely adopted nationally and locally but this area of work is still sometimes known as: Adult Protection, Protection of Vulnerable Adults, POVA, Protecting Vulnerable Adults and in some cases just 'vulnerable adults'.
- 3.5** For the purposes of safeguarding adults, a vulnerable adult is defined in No Secrets as: A person aged 18 years or over "who is or may be in need of community care services* by reason of mental or other disability, age or illness; and who is or may be unable to take care of him or herself, or unable to protect him or herself against significant harm or exploitation."
- *Community care services in this context refer to all care services provided in any setting or context.
- 3.6** There is an East Berkshire Safeguarding Adults Partnership Board, a multi-agency group currently chaired by Bracknell's Chief Officer for Adults' Services. The Board is responsible for setting the strategic direction and securing senior management engagement across the area. The Board provides leadership in developing policy and standards to deliver improved practice in addressing adult safeguarding issues. This board currently oversees our work locally to safeguard vulnerable adults from abuse.
- 3.7** The current policies and procedures were completed during 2008 and there was a general launch of the final draft of the procedures across Berkshire during the summer of 2008. This well established multi-agency safeguarding procedure provides the framework to ensure that there is a co-ordinated and effective response when concerns about possible abuse are identified.
- 3.8** Safeguarding investigations generally relate to concerns of abuse against an individual, and may relate to physical, sexual, financial, psychological or institutional abuse. In 2007/08 there were 99 investigations into concerns of abuse against

individuals, this was an increase of 50% over the previous year. The number of alerts and investigations have continued to increase during the current year (circa 30%) as awareness improves. In the last two years officers have also conducted a number of “serious concerns about establishments” investigations, where concerns about the overall standard of care in a particular establishment are raised, for example following a high number of complaints about a home care agency, or a number of complaints about a single care home.

3.9 Both locally and nationally, issues around the protection of children are more widely recognised and multi-agency arrangements for safeguarding children are generally more established. However, there is now increasing recognition of abuse of vulnerable adults, and campaigns, for example by Action on Elder Abuse, have helped to raise this profile. The Commission for Social Care Inspection (CSCI) have identified safeguarding as a priority, and this now forms the basis of all inspections of local authorities with responsibility for adult social services. In the Royal Borough an inspection is planned in 2009.

3.10 It is important to note three important points in relation to safeguarding adults’ work:

1. Domestic Violence and Safeguarding Adults are not the same; however, domestic violence also becomes a safeguarding adults issue when the victim is a vulnerable adult.

2. A high proportion of adult abuse and neglect does not constitute a criminal offence because unlike Safeguarding Children, there is no all-encompassing Safeguarding Adults legislation.

3. Whilst any forms of abuse could be the result of deliberate intent, they could equally be due to negligence or ignorance.

3.11 It is a widely acknowledged that the incidence of adult abuse is being under-reported. This may be due to safeguarding of adults not receiving the same sort of publicity as abuse of children or being seen as a serious issue by many parts of society. Safeguarding will only work if people have the confidence to report harm, whether carried out by unknown people, paid staff or family members. There is a need to improve awareness and publicity of adult abuse as safeguarding will only work if people who experience abuse understand and trust the process of reporting and responding. Issues involved in not reporting harm need to be looked at in culturally sensitive ways, and the BME, voluntary sector and advocacy groups have important roles to play.

3.12 Concerns about the possible abuse of a vulnerable adult may come from a number of sources: a family carer, a care worker, a friend or neighbour, a GP, or the service user themselves. Wherever the referral comes from, it is the responsibility of the local authority to ensure that this is looked into. In this context, the Adult Care Services Learning Disability (LD) and Adult and Older Persons (ACS), Community Mental Health Team (CMHT) Mental Health Team for Older People (MHTOP) Teams are known as the “investigating teams”.

3.13 Most safeguarding adult’s abuse investigations begin with an initial assessment by telephone by an experienced care manager/social worker. The need for the

immediate protection of the vulnerable adult is the first consideration, and if it appears that a criminal act may have been committed, the investigating team will contact the police. A safeguarding strategy meeting will be held where there is a suspicion or concern of abuse. Consideration must be given to involving the alleged victim and/or family carers. The main aim of the meeting is to produce an initial protection plan for the vulnerable adult. The action plan details roles, responsibilities and timescales, and where necessary follow up meetings are held.

- 3.14** The Accreditation and Monitoring team are currently involved in all Safeguarding adult investigations relating to adult residential/nursing placements and a number of domiciliary and supported living incidents. This involvement begins once the S.A Co-ordinator receives an alert and a member of the team is involved in a strategy discussion. Once an investigation is underway and protection- planning meetings are held, the team are key in identifying areas of concern relating to the provider as a whole, and therefore the users of the service. The team's approach is to safeguard the service, as well the individual concerned in the alleged incident.
- 3.15** Throughout the safeguarding process, the Accreditation and Monitoring team establish where improvements can be made and assist providers to prevent such situations recurring. An action plan will be agreed covering areas of concerns such as: Lack of robust policies and procedures, deficits in staff knowledge and training, management support, users unaware of complaints procedures and so on. This action plan is monitored where applicable for progress and completion. Often the provider will require specific monitoring for these reasons, the results of which are relayed to the SA co-ordinator and CSCI. The team's input has received compliments from Care management, TVP and CSCI for the positive contribution it makes.
- 3.16** The Mental Capacity Act Deprivation of Liberty safeguards (formerly known as the Bournemouth safeguards) were introduced into the Mental Capacity Act 2005 through the Mental Health Act 2007 (which received Royal Assent in July 2007). This legislation provides for the lawful deprivation of liberty of those people who lack capacity to consent to arrangements made for their care or treatment in either hospitals or care homes, but who need to be deprived of liberty in their own best interests, to protect them from harm. From the 1st April 2009 local authorities who are designated as the 'supervisory bodies' under the legislation have a statutory responsibility for operating and overseeing the MCA DOLS process. This includes the Royal Borough

Future Working Arrangements

- 3.17** Given the focus on Transforming Social Care which will lead to vulnerable people being able to purchase their own care, officers see that it is of vital importance safeguarding becomes the centre of activity within all adult services. Therefore the following developments are proposed:
- Ensure that Safeguarding Adults work within the Royal Borough adheres to national guidance and best practice.
 - Establish a Safeguarding Adults Partnership Board (SAPB) within the Royal Borough.

- Appoint an Independent Chair of the SAPB.
- Establishment of a Safeguarding Vulnerable Adults Manager within Adult Social Services who will also be the responsible officer for carrying out the co-ordination of DOL's (Deprivation of Liberty) work.
- Improve knowledge and practice of safeguarding of adults across all partners and care providers/givers impressing the need to view this as being 'everybody's business'.
- Carry out extensive publicity and training within the Royal Borough. This will involve significantly increasing the profile around adult safeguarding in the light of the development of the new procedures and will also involve involvement with partner agencies including the independent and voluntary sector. There also needs to be some discussion about the need to involve users and carers where appropriate and this will be part of the action plan.

4. OPTIONS AVAILABLE AND RISK ASSESSMENT

4.1 Options

	Option	Comments	Financial Implications
1.	Do nothing	This is not feasible as it could lead to the abuse of vulnerable people would continue to be under-reported and the reputation of the council being at risk due to not protecting vulnerable people. In addition at the last East Berkshire Safeguarding Partnership Board meeting it was agreed that each LA would make its own arrangements for safeguarding.	Revenue - none Capital - NA
2.	Develop local service as outlined in 3.16	This will ensure that Safeguarding Adults work within the Royal Borough adheres to national guidance and best practice so as to prevent, respond to and minimise abuse.	Revenue - £54k for the manager; £6k for the Independent Chair to be funded within current resources Capital - NA

4.2 Risk assessment

- 4.2.1 Assessing and managing risk is essential to safeguarding vulnerable adults. There is a multi-agency responsibility to identify vulnerable adults at risk of abuse, to put safeguards in place to prevent abuse and to ensure that where there are concerns of abuse having occurred, risks are managed to protect vulnerable adults from further abuse.

4.2.2 Since 2006 Local Authorities have had increased responsibilities to safeguard vulnerable people. If this authority does not have in place effective and robust safeguarding arrangements then it could be exposed to the risk of a legal challenge. Therefore it is essential that service developments outlined in 3.16 are supported so as to protect not only vulnerable people within the borough but also to protect the reputation of the council.

5. CONSULTATIONS CARRIED OUT

Internal process only

6. COMMENTS FROM THE OVERVIEW AND SCRUTINY PANEL

The Panel endorsed the report and welcomed the fact that the proposals would bring safeguarding of adults to a level that currently existed for children. The Panel were also of the opinion that the appointment of the Safeguarding Vulnerable Adults Manager post and the Independent Chair of the Safeguarding Board should be filled without delay and recommended that the posts be advertised immediately after Cabinet had approved their establishment.

7. IMPLICATIONS

7.1.1 The following implications have been addressed where indicated below.

Financial	Legal	Human Rights Act	Planning	Sustainable Development	Diversity & Equality
✓	✓	✓	N/A	N/A	✓

7.1.2 All financial implications associated with the recommendations set out in section 2 will met within existing budgets.

7.1.3 At present there is no specific 'Safeguarding Adults' legislation in England, however the safeguarding of vulnerable adults sits within a wide legislative framework and our statutory duty to safeguard and take relevant action when abuse may have occurred is incorporated into a number of Acts, including: The Mental Health Act 1983; The NHS and Community Care Act 1990; The Human Rights Act 1998; The Care Standards Act 2000; The Mental Capacity Act 2005; The Safeguarding Vulnerable Groups Act 2006; and The Mental Health Act 2007.

7.1.4 On 14 June 2007, Ivan Lewis (the then Parliamentary Under Secretary of State for the Department of Health) announced a review of the 'No Secrets' guidance. The case for specific legislation to safeguard vulnerable adults is to be considered as part of the review.

Background Papers:

No Secrets – DH 2000
 Berkshire Safeguarding Adults Policy and Procedures 2008
 Mental Capacity Act 2005
 Mental Health Act 2007
 Mental Health Act 1983