

Report to the Cabinet Member for Adult and Community Services
Report submitted by: Executive Director of Adult Services, Health and Wellbeing
Date: 1 April 2015

Part I

Electoral Divisions affected:
All

Implementing the Care Act 2014 - Approval of a new Policy for Safeguarding Adults in Lancashire
(Appendix 'A' refers)

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Executive Summary

Safeguarding adults with needs for care and support has become a well-established responsibility of public sector bodies in England over the last decade or more under a policy framework known as 'No Secrets'. In Lancashire, the County Council has taken a leading role in establishing the local arrangements for safeguarding adults, but working closely with statutory partners both strategically and operationally.

However a major feature of the reforms to social care law introduced by the Care Act and associated guidance are the new statutory duties placed on local authorities and partners in relation to safeguarding adults. These come into force from 1 April 2015 and although there are many continuities with the present arrangements, there are some fundamental and significant changes. Indeed the Department of Health has stated that 'it is not just business as usual' in regards to Safeguarding Adults, and it has stressed the importance of local authority members and senior management understanding the key changes.

The fundamental shift revolves around professional practice that puts the adult and their wishes and experience at the centre of safeguarding enquiries and which seeks to enable people to resolve their circumstances, recover from abuse or neglect and realise the outcomes that they want.

Under the Act, local authorities must establish Safeguarding Adults Boards with the police, local Clinical Commissioning Groups (CCGs) and the local authority as statutory members, with additional membership as required and publish an Annual Report and Plan.

The Act, specifies that the local authority must make enquiries, or arrange for others to make enquiries, where they reasonably suspect that an adult with needs for care or support in the area is at risk of neglect, or abuse, including financial abuse.

This report sets out key elements of a new Safeguarding policy framework covering these points and other requirements to ensure the County Council meets its legal obligations under the Care Act.

This is deemed to be a Key Decision and the provisions of Standing Order No 25 have been complied with.

Recommendation

The Cabinet Member for Adult and Community Service is recommended to approve a revised Safeguarding Adults policy framework for Lancashire, as set out at Appendix 'A', which is compliant with the Care Act from 1 April 2015 and which sets new legal duties on the County Council and its statutory partners for Safeguarding Adults including:

- (i) How section 42 of The Act relating to safeguarding enquiries will be met;
- (ii) How sections 43, 44 and 45 of The Act will be met in respect of setting up a Safeguarding Adults Board with the appropriate membership, responsible for undertaken Safeguarding Adult Reviews.
- (iii) The principles of 'Making Safeguarding Personal' that will be in place within the safeguarding enquiry service.
- (iv) The offer of advocacy for people who have care and support needs and are subject to safeguarding concerns.

Background and Advice

- What is 'safeguarding'?

“Adult safeguarding” is working with adults with care and support needs to keep them safe from abuse or neglect. It is an important part of what many public services do, and a key responsibility of local authorities.

Safeguarding is aimed at people with care and support needs who may be in vulnerable circumstances and at risk of abuse or neglect. In these cases, local services must work together to spot those at risk and take steps to protect them.

- Current Arrangements and Performance

Lancashire currently operates a Safeguarding Adults Board, informed by sub groups for serious case reviews, learning and development and working with providers. There are dedicated social work teams undertaking safeguarding investigations in partnership with the police, health partners and care providers.

In the first half of 2013/2014, on average 630 safeguarding alerts were raised each month, of which 25% proceeded to investigation. The volume of alerts being received has increased each month since the Multi-Agency Safeguarding Hub (MASH) was established. The increase in alerts is due to increased awareness of the issues faced by adults vulnerable to abuse and neglect combined with a streamlined processes for receiving alerts.

The National Safeguarding Adults Survey undertaken in 2014 demonstrated a high level of satisfaction in safeguarding services in Lancashire.

In response to "*Do you feel that you are safer now because of the help from people dealing with your concern?*" most authorities reported high scores. Lancashire scored 85 per cent compared with the national figure of 72 per cent of participants who felt that the help they had received during the safeguarding investigation had made them feel a little or a lot safer.

- Principal Safeguarding changes due to the Care Act

Although local authorities have taken responsibility for safeguarding adults for many years, there has never been a clear set of laws behind it. As a result, it has often been very unclear who is responsible for what, in practice.

The Care Act has defined a legal framework so key organisations and individuals with responsibilities for adult safeguarding are clear about how they must work together and the roles they must play to keep adults at risk safe.

- Safeguarding Adults Board

Section 43 requires a local authority to establish a Safeguarding Adults Board (SAB).

It specifies that the core members of the SAB must include the local authority, an appointed representative from each CCG, and the Chief Officer of Police for the SAB area. It enables the SAB members to contribute financially to the cost of running the SAB. It also sets out the requirements for annual publication of a Safeguarding Adults Strategic Plan and Annual report.

Lancashire has had a Safeguarding Adults Board (SAB) with an Independent Chair for several years. The statutory members stipulated by the Care Act are all currently members and all contribute, either financially or in kind. However, the current funding arrangement is not adequate to meet the statutory responsibilities of the board. Plans are in place to use funding from Lancashire's Better Care Fund and additional contributions from partners to mirror the resources available to The Lancashire Safeguarding Children's Board, reflecting their now equal footing and statutory responsibilities.

The proposals for the revised SAB include sub groups responsible for Mental Capacity Act; Training and Development; Quality Assurance and Working with Providers. It is anticipated that the joint management of the Safeguarding Adults and Children's Boards, will improve partnership working and increased intelligence about risk to vulnerable citizens living in Lancashire.

- Information Sharing

Under Section 45 of the Act organisations are required to share information related to the abuse or neglect of adults with care or support needs with Safeguarding

Adults Boards. Not doing so could prevent them from being able to tackle problems quickly and learn lessons to prevent them happening again. The Act is therefore clear that if the Safeguarding Adults Board requests information from an organisation or individual who is likely to have information which is relevant to SAB's functions, they must share what they know with the SAB in order for problems to be tackled quickly, and lessons can be learnt to prevent them.

The current board produces an annual report undertaken by the independent Chair and informed by contributions from members. The proposal for increased management support will facilitate the production of a strategic plan and ensure that information is provided more fully and in a timely way.

- Safeguarding Adult Reviews (SAR)

Section 44 of The Act requires that SABs must arrange a Safeguarding Adults Review in some circumstances – for instance, if an adult with care and support needs dies as a result of abuse or neglect and there is concern about how one of the member organisation of the SAB acted. The Reviews are designed to be about learning lessons for the future.

Currently, the Safeguarding Adults Board operates a Serious Case Sub group, which is multi-agency and commissions Serious Case Reviews, where an adult with care and support needs has died as a result of abuse or neglect, or learning reviews where someone has come to serious harm or there has been a 'near miss'. The Sub-group will adjust its remit to ensure compliance with the Care Act.

The additional resources identified through the Better Care Fund, will be used to arrange for independent officers to undertake the reviews and to ensure training and development are commissioned to address the issues.

- Safeguarding Enquiries

Section 42 of the Act outlines that: the 'Enquiry Duty' applies to adults who have care and support needs (regardless of whether they are currently receiving support, from the local authority or indeed anyone); and who are at risk of, or experiencing, neglect or abuse, including financial abuse; but are unable to protect themselves.

Enquires and investigations may lead to a number of outcomes, depending on the circumstances, including to prosecution if abuse or neglect is proven. In other cases, the risk of abuse may be tackled, but the adult may have other care and support needs which require different services, and may lead to a needs assessment or review of an existing care and support plan.

Lancashire has been undertaking 'investigations' into the abuse of vulnerable adults under its current safeguarding arrangements. Under the Act the terminology is clarified, changing from 'investigations' to 'enquiries', this clarifies the role of Councils to make enquiries, and to work alongside people to resolve their difficulties. Equally it makes it clear that in the case of criminal activities, the police are the lead agency and will undertake investigations where necessary.

MASH currently screens all safeguarding alerts for children and adults, ensuring that the most appropriate organisation deals with the concern, this may be through an enquiry, a review or contract monitoring activity.

The Care Quality Commission remains responsible for monitoring quality in registered provision.

- Making Safeguarding Personal

Making Safeguarding Personal was originally a sector led initiative in response to findings from peer challenges, consultation and engagement which identified the need to develop an outcomes focus to safeguarding work. The work is supported by the Association of Directors of Adult Social Services (ADASS), the Local Government Association (LGA), Research in Practice for Adults (RiPFA), The College of Social Work (TCSW), Think Local Act Personal (TLAP) and key academics.

Since 2010, the national programme Making Safeguarding Personal has aimed to promote a shift in culture and practice in response to what we know about what makes safeguarding more or less effective from the perspective of the person being safeguarded.

Making Safeguarding Personal echoes many of the other principles now embedded in the Care Act. Thus it involves having conversations with people about how we might respond in safeguarding situations in a way that enhances involvement, choice and control as well as improving quality of life, wellbeing and safety. It means seeing people as experts in their own lives and working alongside them with the aim of enabling them to reach better resolution of their circumstances and recovery. It is also about collecting information about the extent to which this shift has a positive impact on people's lives.

Lancashire County Council was one of the first authorities to commit to MSP. All safeguarding staff have been trained and cases have been audited, and while this way of working is more time consuming, the results have been very positive. Work is underway for recording systems to be updated to take account of the need to record progress against outcomes, rather than outputs.

- Advocacy

The Care Act requires that anyone who may need support to understand and take part in an enquiry is offered the support of an independent person.

In Lancashire, it has been the practice for anyone for whom there is an indication that they may have some support needs in relation to mental capacity, to be offered advocacy from the point of referral. This has been working very well, though the demand in relation to Deprivation of Liberty Safeguards applications has had an impact on timeliness. Additional advocacy has been commissioned to deal with the increasing demand.

Consultations

The current Safeguarding Adults Board has been consulted and is supportive of the changes that are being proposed.

Members were provided with a presentation on the Care Act's provisions in regard to Safeguarding Adults at a recent Bite Size Briefing

Implications:

This item has the following implications, as indicated:

Risk management

- Financial

It is currently difficult to estimate the potential demand and therefore financial impact to the County Council in relation to the new responsibilities for safeguarding adults.

The additional responsibilities in relation to the Safeguarding Adults Board are expected to be met through funding from Lancashire's Better Care Fund of up to £159,000 and from additional contributions from member organisations. The future cost of Safeguarding Adult Reviews is also expected to be contained within this allocation.

The demand for advocacy when combined with the existing impact from Deprivation of Liberties Safeguards (Dols) will be closely monitored.

Additional resource requirements for 'Making Safeguarding Personal' are expected to be accommodated within existing employee budgets for Adult Social Care.

- Legal

The Care Act will change the law underpinning adult social care, including major changes in relation to safeguarding adults. The recommendations in this report are intended to ensure that the Council is compliant with the legal duties set out in the legislation and statutory guidance. If the recommendations are not taken forward, the County Council will not meet its statutory duties under the Care Act which will result in the County Council being highly exposed to legal challenge and reputational damage.

- Human Resources

The safeguarding adults' workforce will be broadly similar post April in scale to the current situation, with an added element focussing on quality issues in care homes giving rise to safeguarding concerns. Advanced Practitioners and Principle Social Workers are currently working with to a training plan to support staff to understand that they understand the new requirements.

List of Background Papers

| Paper | Date | Contact/Directorate/Tel |
|----------------------|------|--------------------------|
| 'Making Safeguarding | | Charlotte Hammond, Adult |

Personal'

<http://www.local.gov.uk/documents/10180/5854661/Making+Safeguarding+Personal+-+Guide+2014/4213d016-2732-40d4-bbc0-d0d8639ef0df>

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Reason for inclusion in Part II, if appropriate

N/A