

Report to the Cabinet

Meeting to be held on Thursday, 7 February 2019

Report of the Director of Adult Services

Part I

Electoral Division affected:
(All Divisions);

Multi-Agency Self-Neglect Framework

(Appendices 'A' and 'B' refer)

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Executive Summary

The Multi-Agency Self-Neglect Framework has been developed by members of the Lancashire Safeguarding Adults Board in order to ensure that all partners, including the county council, meet their statutory responsibilities. Self-neglect under this Framework relates to instances where self-neglect poses a significant risk of serious harm, injury or death and the individual is not willing to engage with services. However, a formal safeguarding enquiry for people who self-neglect is not, in the majority of cases, an appropriate or proportionate response.

This is deemed to be a Key Decision and the provisions of Standing Order C19 have been complied with.

Recommendation

Cabinet is asked to approve the Multi-Agency Self Neglect Framework as set out at Appendix 'A'.

Background and Advice

Self-neglect is identified under the Care Act 2014 as a category of abuse or neglect. Self-neglect is a complex issue and statutory agencies with a duty to protect vulnerable people from harm and abuse must balance those responsibilities with respect for the person's legal right to privacy.

Self-neglect covers a wide range of behaviours, such as neglecting to care for one's personal hygiene, health or surroundings and includes behaviours like hoarding. The Care and Support Statutory Guidance identifies self-neglect as one of the types of abuse and neglect that local authorities have a duty to respond to by making enquiries and taking action as appropriate. There have been a number of

Safeguarding Adult Reviews where individuals who have self-neglected have suffered serious injury or death as a result of their behaviours.

If a person lacks mental capacity to understand the risks their behaviour poses to themselves or others, a mental capacity assessment and Best Interest process will identify the relevant intervention, if necessary. However, a different approach is required when an individual is deemed to have capacity to make decisions about their behaviour (and any risks posed by that behaviour) or where it has not proved possible to undertake a mental capacity assessment because the individual declines to engage with public services.

In these circumstances, there is a risk that, where an individual has capacity and is making an 'unwise decision', statutory agencies could contravene the person's rights under Article 8 of the Human Rights Act 1998 (the right to private and family life) if they do not respect the person's decision.

The statutory guidance states that any assessment of self-neglect "should be made on a case by case basis" (paragraph 14.17).

The Multi-Agency Self-Neglect Framework set out at Appendix 'A' has therefore been developed by members of the Lancashire Safeguarding Adults Board and has been subject to the Board's approval processes.

Self-neglect under this Framework relates to instances where the self-neglect poses a significant risk of serious harm, injury or death and the individual is not willing to engage with services. However, a formal safeguarding enquiry under section 42 of the Care Act for people who self-neglect is not, in the majority of cases, an appropriate or proportionate response. Formal safeguarding enquiries refer to any action that is taken (or instigated) by a local authority under Section 42 of the Care Act 2014 in response to indications of abuse or neglect in relation to an adult with care and support needs, who is at risk and is unable to protect themselves because of those needs.

Lancashire County Council's approach is to respond in a more proportionate way, and to try to engage with the individual to work at identifying with the individual what they believe to be an ideal outcome for them, which may require a longer-term piece of work. In such cases, the individual partner agency would be required to follow the Framework, which aims to support vulnerable people in a more consistent manner and provide a mechanism to ensure joint working with other organisations and a collective approach to risk management.

While partner agencies operating through the Lancashire Safeguarding Adults Board have always sought to protect vulnerable people from abuse and neglect, the Framework provides a formal process for statutory agencies with safeguarding responsibilities to work more effectively with each other on this specific issue. The Framework sets out expectations around the need to continue to attempt to engage with individuals who decline to engage with public services and for joined-up, multi-agency working in order to reduce the risks for the individual and for partner organisations. It will ensure that all partners are aware of specific cases or

circumstances where self-neglect may be an issue so that no agency or institution is left to engage with the vulnerable person in isolation.

Implementation of the Framework may result in a slight increase in referrals into Adult Social Care as a result of awareness raising around the issues of self-neglect. The Framework will be trialled for a 12-month period, with quarterly reviews conducted by the Lancashire Safeguarding Adults Board to monitor the situation and ensure that the Framework is effective in supporting individuals at the significant end of self-neglect. Guidance has been produced for county council staff, which will ensure that the county council only accepts referrals when individuals meet the relevant criteria.

The Framework is intended to be used when:

- There are significant concerns by agencies about an individual's safety and/or wellbeing as a result of self-neglect and/or significant concerns about the safety and /or wellbeing of others (risk of serious harm, injury or death).

And

- Existing agency involvement and appropriate multi agency working has been attempted and been unable to resolve the issue(s).

And

- Where the adult appears to have capacity to make decisions regarding their environment and lifestyle choices pertaining to issues of self-neglect.

All partner agencies will refer to this Framework when the criteria is met.

Each partner agency on the Lancashire Safeguarding Adults Board will be responsible for ensuring that their staff are able to understand and apply the statutory principles of the Mental Capacity Act 2005 and their responsibilities within it in order to determine whether the individual has the mental capacity to make specific decisions. It is acknowledged that all agencies will have their own policy regarding Mental Capacity Act and it is for each agency to ensure that they are compliant with their own policy.

The Framework is compliant with the General Data Protection Regulations 2018.

A copy of the Lancashire Safeguarding Adults Board's Multi-Agency Hoarding Guidance (an appendix of the Board's Multi-Agency Self-Neglect Framework) is also included for information at Appendix 'B'.

Consultations

N/A

Implications:

This item has the following implications, as indicated:

Risk management

Staff will undertake the appropriate risk assessments where possible and work with the individual to identify any mitigation that the individual will accept. If this is not possible, exploration of the use of legal powers will need to be made, with the individual and other organisations, dependent upon the level and severity of risk.

Financial

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Legal

Work with individuals who may self-neglect is not always recorded on the county council's electronic systems as a care package. This can be because a formal commissioned service may not be required to meet the need. In order to demonstrate that the county council is meeting its duties under the relevant legislation, good practice would require careful recording of interactions and offers of support, including the recording of any potential risks and the agreed approach to how this can be mitigated (if possible). Ongoing monitoring and attempts at engagement may be required.

List of Background Papers

Paper	Date	Contact/Tel
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None

Reason for inclusion in Part II, if appropriate

N/A