



# Newsletter

Issue 2

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# Local News

## Introducing Mike Evans



### Mike is the Independent Chair of the Cumbria Adult Safeguarding Board

Mike took on the role as Independent Chair for the Cumbria Adults Safeguarding Board in September 2009. He is currently the Interim Executive Director for Adult Services in Rochdale.

Cumbria has over recent years developed a strong safeguarding service through effective partnership working. As Cumbria's Chair, Mike recognises the importance of sustaining this early work, and his role in supporting the building a firmer strategic and financial footing for the work on safeguarding with partners.

He has had an extensive career in both adult and children's services, working both in Scotland and England and retired as Chief Officer for Adult Services in Leeds in 2008.

Following an early career working in forestry, work with single homeless people in Scotland initially stimulated Mike's interest in social work and he eventually trained as a social worker in Aberdeen.

Mike has held a number of senior posts including the position of Director of Health and Social Policy/Modernisation – a joint appointment - working for both Social Services and the Primary Care Trust. Last year he worked with the Department of Health and the North West Joint Improvement Programme and led the work on early intervention and prevention.

Active in his spare time, he likes to climb mountains and has done so in the Himalayas and the Alps but says nothing compares to a good day on the West Coast of Scotland or in the Cairngorms or undertaking cycling trips with family and friends. He is also a keen DIYer and has renovated a derelict holiday cottage in the Scottish Borders. He says his only fear is that someone will try to make him spend his holidays relaxing on the beach!

## World Elder Abuse Day 15.6.10

To mark World Elder Abuse Awareness Day, Annette Grogan organised an awareness raising promotional display in Carlisle's Civic Centre reception area and information sessions were provided in all 32 of the residential homes, 10 day centres and four domiciliary care offices run by Cumbria Care, Cumbria County Council's in-house care provider. Leaflets were distributed about the different types of elder abuse such as physical, emotional, financial, sexual, discriminatory or institutional, including advice on what to do if abuse or neglect of adults is occurring or suspected and who to contact for help.

New figures released on World Elder Abuse Awareness Day showed that Cumbria has been successful in getting its message over and more people than ever are reporting their concerns. It is one of the key aims of Cumbria County Council and the Cumbria Safeguarding Adults Board to raise awareness of what constitutes adult abuse and drive an increase in the number of referrals of suspected cases. More people than ever are aware of the problem of abuse and neglect of older people in Cumbria and are reporting their concerns to the right people.

The number of referrals of suspected cases of abuse increased by 27% this year, from 298 cases in 2008/9 to 377 referrals in 2009/10. The largest increase in the type of person reported as being abused was in over-65s, which increased from 136 referrals in 2008/9 to 271 in 2009/10. The main change in the categories of people reported to be carrying out the abuse was that the number of service users more than doubled from 54 in 2008/9 to 110 in 2009/10 - meaning that more people are acting on suspected signs of

abuse, be it from one service user to another or even from a service user to a carer. The biggest change in terms of where the reported abuse is reported is in residential care and nursing homes, where there was a 72% increase from 106 in 2008/9 to 182 cases in 2009/10. The most common form of abuse remains physical (168 cases in 2009/10 - a 24% increase), followed by financial abuse (96 cases in 2009/10 - a 26% increase), and psychological abuse (44 cases in 2009/10 - a 57% increase).

The abuse and neglect of older people is one of society's hidden problems, but Cumbria's latest figures show considerable progress has been made in driving the problem out from underground. Nationally, it is estimated that 1 in 40 people aged over 65 and living in private households experienced mistreatment (neglect or abuse) from a family member, carer or neighbour during the last 12 months.

In February, the Cumbria Safeguarding Adults Board launched its new Blind Eye poster campaign and website 'blindeyecumbria.org.uk', to encourage people to report instances of abuse by not turning a blind eye to suspected abuse or neglect. The campaign raised awareness about the extent of the problem, what the different types of abuse or neglect could be, and was designed to give people the confidence to report suspected cases. It focused on the suspected abuse of people aged over 65 and people with learning disabilities, as they are the categories at most risk.

Anyone who suspects that another adult is being abused or neglected should tell someone about it and on their concerns will be taken seriously and their anonymity can be preserved if they wish. Concerns of abuse and neglect can be reported through Cumbria County Council's Contact Centre 01228 606060 to Adult Social Care Customer Advisers.

Cumbria County Council Safeguarding Team also offer advice, information and consultation on Safeguarding issues to our staff and outside agencies, voluntary groups and the general public and can be contacted on 01539. 713398.

## Safeguarding Adults on IAS

Work is currently in progress on the integration of a Safeguarding Adults Module into IAS. The Safeguarding Team and a couple of practitioners have been working with Becky Taylor and her team over the past few months and we are nearly there!

Safeguarding Adults forms have been revised, again with the assistance of practitioners, and are being up-loaded onto the system.

The system will be tested during August with a view to rolling out training during October.

The group is working towards a "go live" date in November

## Training News

### Courses to look out for:

Course	Date	Venue
<b>Level 1</b>	<b>20.7.10</b>	<b>Barrow</b>
	<b>2.8.10</b>	<b>Cockermouth</b>
	<b>13.9.10</b>	<b>Carlisle</b>
	<b>12.10.10</b>	<b>Ulverston</b>
<b>Level 2</b>	<b>8.9.10</b>	<b>Penrith</b>
	<b>18.10.10</b>	<b>Workington</b>
<b>Achieving Best Evidence</b>	<b>7.9.10</b>	<b>Kendal</b>
	<b>13.10.10</b>	<b>Workington</b>

### Courses in the pipeline:

Chairing Meetings

Safeguarding and the Law

Safeguarding and the Mental Capacity Act

## National News

### No Secrets Review

Safeguarding vulnerable adults who are at risk of harm sits at the heart of government. Those who need safeguarding help are often elderly and frail, living on their own in the community, or without much family support in care homes; they are often people with physical or learning disabilities, and people with mental health needs at risk of suffering harm both in institutions and in the community. It is to these and to many others that government has a duty of safeguarding.

Safeguarding encompasses three key concepts: protection, justice and empowerment. Government has a number of important roles in the protection of members of the public from harm – before harm has happened and after it has happened. This includes ensuring that services and support are delivered in ways that are high quality and safe.

- Government has an important role in facilitating justice where vulnerable adults become the victims of crime; and finally,
- Government has a role in the empowerment of people at risk. To empower them to recognise, avoid and stop harm; to empower them to make decisions based on informed choices, to balance taking risks with

quality of life decisions; and to empower people if they have been harmed, to heal and to live with self-confidence and self determination.

“No Secrets: Guidance on developing and implementing multi-agency policies and procedures to protect vulnerable adults from abuse” was government guidance on safeguarding, issued in 2000.

In 2008-09 a national consultation exercise was held, in which some twelve thousand people took part. Many sent detailed responses; others wrote very personal letters about their own experiences.

Safeguarding partnerships met and discussed many of the 100 questions posed; they debated and analysed and explored the issues with commitment, with passion and with dedication. Rarely have so many different professionals – social workers, police officers, nurses, housing officers, lawyers and voluntary sector workers – all responded to the same consultation.

A summary of responses was published on 17 July 2009. There were a number of key messages from the consultation. These included that stronger national leadership was needed, that local arrangements should be placed on a statutory basis; and that revision and updating is needed to the “No Secrets” guidance. Government plans responded to all these points.

Around 3000 people participated in the consultation as members of the public, as users of social care, health care, including some who had suffered abuse in some form. Of the wide-ranging views expressed, first and foremost was that the voice of vulnerable people needed to be heard much more than it currently is. Vulnerable people wanted to be heard in safeguarding policy and practice and in situations where they were victims of harm.

First, the Government established an Inter-Departmental Ministerial Group (IDMG) on Safeguarding Vulnerable Adults. This Group will include Ministers from the Department of Health, Home Office, Ministry of Justice, the Attorney General’s Office and the Department for Communities and Local Government. The IDMG will have three roles. It will:

- determine policy and work priorities for the forthcoming year;
- provide a strategic and co-ordination role; and
- provide public and parliamentary advocacy for this policy area.

Second, the Government will introduce new legislation to strengthen the local governance of safeguarding by putting Safeguarding Adults Boards on a statutory footing.

Local Safeguarding Adults Boards bring together the key agencies that have a part to play in safeguarding – particularly social services, the National Health Service and the police, but also other organisations. They are one of the main drivers in effective safeguarding arrangements founded on effective partnership and joint working. An effective board provides clear leadership

and helps individual organisations develop complementary safeguarding and empowerment strategies.

Safeguarding Adults Boards exist in many parts of the country, but they are not mandatory and their effectiveness is variable. A key message from the consultation was that local leadership and scrutiny of safeguarding needs to be improved and strengthened. The Government will therefore introduce legislation to put Safeguarding Adults Boards on a statutory footing, to ensure that effective leadership and coordination in this important area is assured for all vulnerable people wherever they live.

Third, the Government has launched a programme of work with representative agencies and stakeholders to support effective policy and practice in safeguarding vulnerable adults.

Sometime in early 2011, new, comprehensive, multi-agency guidance to set out clearly the roles and responsibilities for all those involved in safeguarding vulnerable adults will be published. This will be built on and bring together targeted guidance and support materials, which will be developed in the coming months, including:

- a guide to the law on safeguarding, to help professionals understand and effectively use the range of legal powers that can prevent and deal with harm – including the Criminal Justice Act 1988, the Fraud Act, the Domestic Violence, Crime and Victims Act 2004, and the Mental Capacity Act 2005;
- targeted guidance and toolkits for specific professionals, including general practitioners, nurses, housing staff and police officers; and
- the Association of Chief Police Officers has set up a working group under the umbrella of the economic crime portfolio to lead a programme of work to improve our response to financial crime against vulnerable adults. Work is currently underway to complete an intelligence assessment with additional work to follow to further aid those involved at the frontline.

## Legal Updates

### Independent Safeguarding Authority

The Independent Safeguarding Authority's (ISA) role is to help prevent unsuitable people from working with children and vulnerable adults. We **assess** those individuals working or wishing to work in regulated activity that are referred to us on the grounds that they pose a possible risk of harm to vulnerable groups. There are two principal routes by which referrals are made to the ISA. Firstly, when a person applies for ISA registration, any convictions or cautions which are considered relevant would trigger a referral. The other way a referral would be made is where an employer or an organisation, for

example, a regulatory body, has concerns that a person has caused harm or poses a future risk of harm to children or vulnerable adults. In these circumstances the employer or regulatory body must make a referral to the ISA. The range of organisations who are able to make referrals include;

- Regulated activity providers;
- Personnel suppliers;
- Local authorities;
- Education and Library Boards;
- Health and Social Care (HSC) bodies;
- Keepers of Registers named in the legislation; and
- Supervisory authorities named in the legislation.

Additionally the ISA can take referrals from members of the public. However as we do not have investigatory powers we will always advise any individual considering making such a referral to first contact the police and/or the relevant local authority's children and adults safeguarding team or social services within a Health and Social Care Trust in Northern Ireland.

The police and/or local authority will conduct an investigation. Following an assessment of the evidence, the information may then be sent as a referral to the ISA for consideration.

### Deprivation of Liberty Safeguards

Activity and emerging trends... a briefing paper from the Department of Health (DoH) issued in April 2010

The Mental Capacity Act Deprivation of Liberty Safeguards (MCA DOLS) were introduced in April 2009 to prevent deprivations of liberty without proper safeguards.

Some 5500 people have benefited from the new safeguards in the first nine months.

Approximately a half of the assessments resulted in authorisations rather than the quarter predicted.

The DoH has identified a number of practice issues that will be of interest to practitioners and managers:

- Choice of Relevant Person's Representative (RPR)

The Code of Practice states "*it should not be assumed that the representative needs to be someone who supports the deprivation of liberty*". The Department is aware of a number of cases where family members have not been selected to be the RPR where they have not been supportive of the deprivation of liberty.

**This alone is not grounds for not selecting them. Best Interest Assessors must assure themselves that the individual in question is inappropriate for other reasons.**

- Sometimes the MCA DOLS authorisation is the culmination of a dispute between family and an NHS Trust or Local Authority about where the person should live.

The Code of Practice states that a “*court decision might be more appropriate*” where “*there is a major disagreement regarding a serious decision (for example, about where a person who lacks capacity should live)*” Such disputes, which cannot be otherwise resolved, will require the “*last resort*” determination of the Court rather than being resolved via the Safeguards.

- The Involvement of the Court in proposals of “no contact” with named individuals

Safeguarding Adults work will require, at times, the consideration of contact between a person who lacks capacity and somebody that they may be at risk of harm or abuse from.

The Code of Practice suggests that the Court should be the arbiter for matters of no contact and that an authorisation under MCA DOLS, other than as a very short term measure, should not be relied upon to manage no contact cases.

**Case Law judgements, to date, indicate that preventing contact with somebody who presents a risk of harm or abuse to a person who lacks capacity does not on its own amount to a deprivation of liberty. An authorisation should not therefore be recommended or granted on these grounds alone**

*Briefing on Mental Capacity Act Deprivation of Liberty Safeguards, April 2010, Gateway reference 14353, Department of Health*

## Don't Forget!!!

- Cumbria Multi-Agency policy and Procedures 2010....out now. Available in the E Library and the CCC website
- Safeguarding Adults Forms.....have all been reviewed and revised. (at the request of and with the involvement of practitioners) Available in the E Library and in Templates.

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