

Meeting of the Adult Social Care Select Committee – 15th November 2023

Report of the Director of Adult Social Care

Annual Adult Safeguarding Report and Deprivation of Liberty Safeguards (DoLS)

Purpose of report

1. The purpose of this report is to summarise the last 12 months of performance in relation to Adult Safeguarding and Deprivation of liberty safeguards (DoLS) and to recommend a sustainable plan to meet the requirements of DoLS in light of Liberty Protection Safeguards (LPS) being delayed indefinitely while identifying preparations to meet the regulatory framework for the Care Quality Commission (CQC) Inspection of Adult Social Care in 2023/4.

Recommendations

2. It is recommended that the Select Committee
 - scrutinise the report and seek assurance about the safeguarding of adults in Dudley Borough;
 - considers the draft priorities for the Safeguarding Adults Board for 2023/24 for comment and scrutiny.

Background

3. The local authority continues to experience increased numbers of safeguarding concerns. Key performance data illustrates the increase in concerns. Dudley is 3rd highest within the 14 regional Local Authorities for numbers of safeguarding concerns received which is the pattern since 2016/2017. There is a slight decrease in the conversion rate however we remain 7th highest (of 14) for the absolute numbers of Section 42 enquiries within the region.

Year	Concerns	% Increase	Enquiries	Conversion
2021/22	6156	16.3%	693	11.3%
2022/23	6434	4.5%	604	9.4%

- There has been a slight increase in The Deprivation of Liberty Safeguards (DOLS) referrals and assessments completed have increased but due to the growing backlog the time estimated to complete the “not completed” based on current performance and resources continues to rise.

	Received	Completed	Not completed	Time to complete.
2021/22	685	495	380	6 months
2022/23	690	505	540	13 months

- Utilising feedback from a DoLS review, work is underway to increase the infrastructure for DOLS with increased use of internal rotas, hybrid assessments and a growth request.
- The CQC regulatory framework includes specific expectations and Quality statements around Safeguarding and Safe systems and the need to develop aspects of Safeguarding as part of the Adult Social Care Improvement Plan.
- We continue to be a key partner in the Safeguarding Board as part of Dudley Safeguarding People Partnership (DSPP) and are working towards the draft priorities of:
 - Neglect across the life course
 - Exploitation across the life course
 - Adopting a Think Family approach

Key Achievements during 2022/2023

- The Multi Agency Safeguarding Hub (MASH) screens and determine the appropriateness of referrals ensuring that safeguarding enquiries only progress where relevant. The higher referral rate reflects a greater awareness of safeguarding and of the MASH and the success of the multi-agency partnership working with the Safeguarding Board (DSPP) and the impact of the citizen and professional portals. The lower percentage rate to conversion to Section 42 Enquiries means that MASH is effective in ensuring that safeguarding enquiries only progress where relevant. However, a high proportion of concerns received into Adult MASH from professionals relate to care management concerns and are signposted to other areas of adult social care. To address this the Safeguarding Board has developed training to ensure that professionals better understand when to refer to Adult Social Care and offer support and guidance for making safeguarding adult referrals.

9. Use of the citizen and professional portals continues to increase with access via the DSPP and local authority websites. This diversity of access allows new concerns to be inputted directly into the Liquid Logic (LAS) electronic recording system. Communication with the referrers is improved as they can be informed of outcomes more easily and securely and the portal forms have been extensively tested with citizens to ensure they are easy to navigate and understand and there has been positive feedback.
10. In Dudley, Self-Neglect forms the highest proportion of all enquiries at 23.1% followed by Neglect and Acts of Omission at 22.3%. There was a significant increase in referrals following a 2-week intensive safeguarding training period through the Safeguarding Board which focused on a local Safeguarding Adult Review (SAR) where self-neglect was a focus. Through the partnership, via the Neglect subgroup, work is underway to implement a Neglect strategy for adults with increased training and the development of a self-neglect webpage. Self-Neglect and Disorganised living affect both children's and adults in Dudley therefore a new Hoarding/Squalor toolkit is being developed, working across services for Children's and Adults to provide consistency in assessing risk to adults and children.
11. In line with the statutory guidance from the Care Act 2014 the Person in a Position of Trust (PiPOT) framework and process to respond to allegations against anyone who works (either paid or unpaid) with adults with care and support needs has been developed. The purpose of this guidance is to provide a framework for managing cases where allegations have been made against a person in a position of trust and is focussed on the management of risk based on an assessment of abuse or harm against an adult with care and support needs. It provides a framework to ensure appropriate actions are taken to manage allegations, regardless of whether they are made in connection with the PiPOT's employment, in their private life, or any other capacity. This guidance applies to the local authority, all partner agencies and commissioned local authorities' relevant partners, and those providing care and support services.
12. From 1st January 2022 in Dudley there have been 90 National Referral Mechanism (NRM) referrals with 24 for adults. The Adults exploitation subgroup is responsible for delivering this priority and has strong partnership leadership led by the Police who also chairs the Dudley Safe and Sound Board (Community Safety Partnership), this ensures consistency and avoids duplication between the two partnerships. The subgroup continues to implement the Exploitation Strategy which will strengthen the pathway for referrals around exploitation meaning a robust approach can be taken to concerns of exploitation. WRAP Training is

available to all partners ensuring that practitioner knowledge around PREVENT is current and embedded in practice.

13. Dudley Trading Standards' Scams Unit have adopted a preventative and proactive approach to raising awareness, through the establishment of a Dudley Financial Abuse Alliance with financial institutions, 'friends against scams' training and providing information and advice. The Trading Standards team also work closely with the MASH, receiving referrals for alleged financial abuse cases and working in a coordinated way to respond to referrals, investigate concerns and support people.
14. The Deprivation of Liberty Safeguards (DoLS) are part of the Mental Capacity Act 2005. The safeguards provide a number of legal protections and aim to make sure that people in care homes and hospitals are supported to live the best life they can while ensuring any restrictions in place, to ensure their safety, does not inappropriately restrict their freedom. Deprivation of Liberty in the Community (CDoL) requires an application to the Court of Protection and is a protection for people over 16 who are in supported living, extra care housing or in their own homes. Both schemes can only be authorised for a maximum of 12 months and have to be renewed. Liberty Protection Safeguards (LPS) were due to be implemented to replace DoLS and CDOL however, the government has advised they will be delayed indefinitely and the DoLS and CDOL schemes remain. Nationally DoLS numbers continue to rise (up 11% 2022-2023). Due to this increased resource pressure and the expectation that LPS will not be implemented in the near future a more sustainable solution is being suggested to form a permanent DoLS team in Dudley, increase technical support by developing a portal for DoLS and utilise existing resources such as an internal rota system more proactively. Reducing the waiting lists for DoLS Assessments is part of the Improvement plan for Adult Social Care with key performance indicators.
15. The Health and Care Act 2022 gave the Care Quality Commission (CQC) new powers to assess local authorities and the integrated care system. Their role is to understand the quality of care in a local area or system and provide independent assurance to the public. As part of their assessment framework, there are a number of quality statements with two relating to safe systems and safeguarding.

Safe systems, pathways and transitions- We work with people and our partners to establish and maintain safe systems of care, in which safety is managed, monitored and assured. We ensure continuity of care, including when people move between different services. This is wider than safeguarding as it covers internal and external partnerships and how the "system" operates to ensure Dudley citizens who fall within the provisions

of the Care Act 2014 are able to access the support they need to ensure their wellbeing.

Safeguarding- We work with people to understand what being safe means to them as well as with our partners on the best way to achieve this. We concentrate on improving people's lives while protecting their right to live in safety, free from bullying, harassment, abuse, discrimination, avoidable harm and neglect. We make sure we share concerns quickly and appropriately. The Safeguarding quality statement covers all aspects of safeguarding under the legal framework in the Care Act for how local authorities and other parts of the system should protect adults at risk of abuse or neglect as defined by the Care Act.

16. As part of our Improvement plan, we are developing a Safeguarding dataset and improved performance management arrangements. This is being achieved by the launch of the Safeguarding Practice Guidance and Key performance indicators, an audit program and by working in partnership with Management Intelligence to ensure the data set is accurate, robust and meaningful.
17. Compared to many other Local Authorities we have a very high number of safeguarding concerns which is in part due to the way contacts are recorded. Therefore, we are looking at the way we record to ensure there is a true reflection of what is safeguarding at the secondary triage stage. This will not increase risk or cause any delay but coupled with the key performance indicators and learning from audits will increase assurance, ensure figures truly reflect activity and allow greater oversight, scrutiny and emphasis on performance.
18. A clear strength in working towards the CQC Quality Statements and our Improvement plan is our proactive multi-agency partnership through the Safeguarding Board and DSPP. We participate in all aspects of the Board's activity and help to drive improvements through the subgroups and Board. Multi-agency partnership scrutiny and assurance are being developed further through the DSPP subgroup Quality Assurance and Performance, which the Local Authority chair. This is being achieved through the development of a multi agency data set, the recruitment of a data analyst and ongoing multi-agency audits of practice. This provides further scrutiny and assurance by assessing the quality of practice and lessons to be learned in terms of both multi-agency and multi-disciplinary practice. Through the Think Family approach and Exploitation subgroup we are also reviewing the Transitional Arrangements for young people 16-18 years who are at risk of exploitation. Capturing the voice of the individual is paramount and as well as our ongoing collection of feedback we are supporting an independent survey by Healthwatch Dudley to

improve our understanding of individuals experience through safeguarding.

Emerging Themes

19. The most vulnerable in our community are often those who are on low incomes and will be more adversely impacted by rising costs as they may struggle to obtain good quality housing that meets their needs, or they may struggle to maintain their current living arrangements.
20. Fuel Poverty in Dudley has been increasing in absolute terms. Latest figures from 2020 showed it affected 24,248 (17.3%) of households within the Borough. Recent increases in energy costs are likely to exacerbate Fuel Poverty.
21. Life expectancy within Dudley is 78.8 years for men and 82.2 years for women. This is similar to the wider region (men 78.5, women 82.5); however, it is lower than England (men 79.4, women 83.1) Within Dudley, life expectancy is 9.3 years lower for men and 8.0 years lower for women in the most deprived areas of Dudley than in the least deprived areas.
22. Domestic abuse-related incidents and violence rates for Dudley are derived from the West Midlands force area at 37.3 crimes per 1,000 which is higher than the rates for both the West Midlands region (33.7) and England (30.3 per 1,000). Whilst all victims of domestic abuse are vulnerable due to the risks they face, we recognise that some victims falling under the provisions of the Care Act face an even greater risk if exposed to domestic abuse and we work closely with our partners to ensure there is a greater recognition of domestic abuse in Dudley, staff are trained appropriately, and victims are signposted to resources.
23. The suicide rate in Dudley has increased since 2015-2017. From the latest data available for 2018-20, there were 11.3 suicides per 100,000 population (or 94 persons) which is the highest rate recorded since records began in 2001-03. This is not significantly different to the West Midlands (10.5 per 100,000) or England (10.4 per 100,000) but it is a growing concern and there is a commitment from the Dudley Peoples Partnership and suicide awareness will be a focus of the learning and development and service offer going forwards.
24. The recorded prevalence of dementia in patients aged 65+, registered with a Dudley GP was 3.8%, which equates to 2,547 patients. However, the estimated dementia diagnosis rate for those aged 65+ is 56.3%, which means that the actual number is likely to be around 4,500. In patients under 65, the recorded prevalence of dementia was 2.7 per 10,000 in

2020, lower than that for the Black Country STP (3.3 per 10,000) and England (3.0 per 10,000).

Finance

25. To ensure adherence to the Care Act an MTFs growth request for £117,000 has been made to increase the capacity within safeguarding to complete DoLS assessments. The request is to gain extra Best Interest Assessor Resources and a DoLS Administrator which are required to provide a sustainable response to meet demand and statutory duties.
26. The Safeguarding Board is financially supported by the Local Authority, West Midlands Police and Dudley ICB and the Board Budget is identified as part of the Annual Report.

Law

27. The Local authority will be apprised of and will adhere to the requirements of the following legislation:
 - 1) The Human Rights Act 1998
 - 2) The Mental Health Act 2007
 - 3) The Mental Capacity Act 2005
 - 4) The Care Act 2014
 - 5) The Mental Capacity Amendment Act 2019
 - 6) The Health and Care Act 2022

This is not an exhaustive list.

Risk Management

28. All risks are reported on and managed and mitigated by ongoing data analysis, feedback from individuals and families and by local, regional and national data sets and surveys underlined by a risk register where applicable.
29. The increase in safeguarding concerns and conversion rate is mitigated by a highly skilled staffing resource, increased performance management with key performance indicators, robust reporting and action tracking. Further risk mitigation will be provided by the scoping of recording mechanisms, learning from internal and multi-agency audits and targeted learning and training.

30. The CQC regulatory framework is new and is being piloted so there is a lack of full assurance at this stage on how this will be implemented in Dudley. This risk is mitigated by working with regional and national colleagues to develop a coordinated response and to prepare with a rigorous self-assessment that has been peer reviewed. This provided the foundation for the Adult Social Care Improvement Plan which continues to develop and includes building on our strong partnerships with among others, Dudley Safeguarding Peoples Partnership, Safe and Sound Board (Community Safety Partnership) and internal partners such as Children's services and Housing, among others.
31. There is a risk that DoLS referrals are increasing and the capacity to complete assessments has decreased which might lead to the increase in citizens being illegally detained; the Local Authority being at risk of legal challenge, non-compliance with a statutory function and reputational damage. This risk is mitigated by increasing capacity by maximising existing resources such as an internal rota system; developing a more proportionate assessment with regional and national colleagues and by re purposing staffing time to ensure there is a proactive response to maximise the use of equivalent assessments. Technical support is also being increased by developing a portal. The MTFS growth request has been submitted to mitigate the risk further by providing additional Best Interest Assessor resources and a DoLS Administrator which are required to provide a sustainable response to meet demand and statutory duties.

Equality Impact

32. The Care Act 2014 and Safeguarding principles as well as the West Midlands Safeguarding Procedures with Making Safeguarding Personal (MSP) at the centre are implemented within Dudley and are consistent with the Equal Opportunities Policy of the Council and promote equality of opportunity, access and person-centred practice. The Mental Capacity Act 2005 is grounded in the Human Rights Act 1998 and ensure that diversity and inclusion are central to all provision.
33. An Equality Impact Assessment Screening tool was completed and there are no significant equality impacts identified to warrant an Equality Impact Assessment.
34. The Safeguarding Board operates across the Life course promoting whole life policies, procedures, and partnerships. Adult Safeguarding has a close working relationship with the Children's Multi Agency Safeguarding Hub (MASH), Children's Services and partners and ensures it operates a "think family approach" throughout.

Human Resources/Organisational Development

35. Increased utilisation of internal resources for DoLS activity to support an internal rota system will require some changes to current practice and recording in the system, this can be facilitated via new procedures and training if required.
36. Any new posts will be recruited to following Dudley MBC's Recruitment & Selection policy and procedures.

Commercial/Procurement

37. There are no commercial or procurement implications in relation to the contents of this report.

Environment/Climate Change

38. Adult Safeguarding looks to promote sustainable development goal 3 Good Health and Wellbeing through the use of hybrid methods of meetings such as weekly team huddles to share good practice and virtual meetings with performance and wellbeing being monitored in person and remotely. A mix of face to face and virtual meetings and assessments continue to be used to meet the requirements of the citizen, carer, team, and organisation. The hybrid mix has increased productivity due to reduced travelling times and ability to attend multiple online meetings where required and the reduction in car journeys reduces emissions.

Council Priorities and Projects

39. The safeguarding duty is a statutory duty and it is essential for the council in fulfilling its legal duties and its responsibilities to local people to ensure there are services and arrangements to protect adults who have needs for care and support and is experiencing, or is at risk of, abuse or neglect, and as a result of those needs is unable to protect himself or herself against the abuse or neglect.
40. This aligns to the council priority areas through safeguarding arrangements individuals are supported to live their lives as safely as possible while empowering them to work towards the outcomes they desire. The service ensures through Making Safeguarding Personal (MSP) this supports the Borough Vision "A place of healthy, resilient, safe communities where people have high aspirations and the ability to shape their own future". The safeguarding arrangements in Dudley are consistent with building stronger, safer and more resilient communities to protect our residents' physical, and emotional health for the future.

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Appendices

Appendix 1 – Data summary for Adult Safeguarding– September 2023

Appendix 2 – Dudley Safeguarding Adults Board's Annual Report for 2022/2023