
Meeting of the Cabinet – 18th March 2009

Report of the Director of Adult Community and Housing Services

Safeguarding Vulnerable Adults

Purpose of Report

1. To brief Cabinet on the Department of Health Consultation on the Review of the 'No Secrets' Guidance on safeguarding vulnerable adults.
2. To seek Cabinet approval to a set of Council accountabilities and responsibilities for safeguarding of vulnerable adults.
3. To brief Cabinet on progress with the safeguarding agenda in Dudley.
4. To seek Cabinet endorsement of the Annual Report of the Dudley Safeguarding Vulnerable Adults Board (available in the Members' library).
5. To seek Cabinet agreement to the training plan for elected Members.

Background

No Secrets

6. The Minister for Social Care launched a Review of the No Secrets guidance on Safeguarding Vulnerable Adults in October 2008.
7. No Secrets was first published in 2000. It provided guidance to Councils and partner agencies on developing adult protection policies and procedures.
8. The Department of Health considers that a review of No Secrets is necessary for three reasons:
 - There have been several serious incidents of adult abuse, for example, the Cornwall and Sutton/Merton Inquiries into abuse of people with a learning disability in long-stay hospitals. Concerns have also emerged in recent years about the health care in the NHS e.g. the Mencap report 'Death by indifference';
 - Government policy on social care has changed. 'Putting People First' – the cross Government concordat on transforming social care

published in December 2007 - makes it clear that the right of people to make informed choices about risk and about how to spend their personal budget must be balanced by effective safeguarding arrangements.

- Some agencies consider that legislation is needed in this area, which would be similar to the powers which already exist to safeguard children. Such powers already exist in Scotland in the Protection of Vulnerable Groups (Scotland) Act 2007. The Mental Capacity Act 2005 introduced the offence of ill-treatment or wilful neglect of a person lacking capacity.
9. The Consultation document contains a number of key messages, as follows:
 10. Safeguarding vulnerable adults is everyone's business. Safeguarding responsibilities should be clearly defined for all professional groups.
 11. Safeguarding is more than just protection from abuse and neglect, although this is the most important area. It would include other issues such as hate crime against disabled people; poor care practices in hospitals and forced marriage.
 12. Councils have a leadership and co-ordinating role, which could involve wide-ranging new tasks in future. There should be a duty on other agencies to work in partnership with Councils.
 13. More preventive work is needed with vulnerable people to educate, inform and alert them about abuse and to help them to know how to report any concerns.
 14. Councils and NHS bodies will be performance managed on safeguarding activity. This will take account of the experiences of people who have used safeguarding services.
 15. If legislation was introduced, it could cover the following areas: role of the Safeguarding Board; statutory duty to co-operate; clarification of terminology relating to vulnerable adults; and specific powers e.g the right to enter people's homes if there is suspicion of abuse. New legislation is not however necessarily the answer; there would have to be certainty that new laws would make it easier to prevent and tackle abuse and neglect.
 16. The Council submitted a detailed response to the No Secrets consultation document in January 2009. A copy of the response can be viewed in the Members' library. The final guidance will be published by Department of Health later in 2009.
 17. The Consultation document draws on feedback from Independence, Well-being and Choice inspections which have been carried out by CSCI

in a number of Councils since August 2007. This inspection will be carried out in Dudley in summer 2009.

18. CSCI's recent overview report on the inspections indicates that the following framework is vital to effective safeguarding arrangements.
19. The framework is outlined below with a brief summary of progress in Dudley:

Multi agency commitment

20. An Adult Protection Committee has been in place since 2002 developing into the Safeguarding Board from April 2008. Membership includes a broad range of agencies at senior level.
21. In the last six months, the Safeguarding Board has set a new strategic direction for safeguarding activity. The Board commissioned and completed a self-assessment, which was a comprehensive review of our safeguarding arrangements. A seminar of the Directorate Management Team with the Safeguarding Board in July agreed a work plan which forms the focus of the Board's activity over the next 12 months.
22. The Safeguarding Board has recently produced its annual report for 2008, a copy of which has been placed in the Members' library.

Strong leadership and political support.

23. Council members have been kept abreast of local and national inquiries through reports to Select Committee in November 2006 and March 2008. In June 2008 an Elected Member Safeguarding champion was appointed, who is also a member of the Board.

Governance arrangements

24. The reporting mechanism for the Safeguarding Board is to (a) Dudley Health and Well-being Partnership (b) Safe and Sound (Community Safety) Board and (c) Health and Adult Social Care Select Committee.

Performance management.

25. There has been considerable improvement in data collection and analysis during the past 12-18 months. This was recognised by CSCI in our annual review of performance in July 2008. An Audit of 30 cases was carried out in autumn 2007. Internal Audit out a further audit of compliance with policy and procedures in January 2009, as part of the Directorate audit programme.

Contracting

26. Safeguarding is integrated into contracting processes across all sectors with clear expectations and reporting requirements placed upon providers. Contract monitoring and other work to improve the performance of providers clearly focus on their safeguarding arrangements.
27. Concerted efforts are made to ensure take up within the independent sector of in house training in adult abuse, and other relevant training.

Resources

28. Specialist resources are in place to support safeguarding activity at both strategic and operational levels across the Council. An Interim Head of Service post has been appointed to lead the Safeguarding Unit.

Policies

29. Revised multi-agency Safeguard and Protect Policy and Procedures were issued in January 2007. to DACHS immediately.

Training

30. A programme of specialist training was commissioned in 2005. Since then, 2800 Council and independent sector staff have attended basic awareness training. All Social Workers have attended advanced training on managing investigations.

Current Issues

31. Our self-assessment in summer 2008 identified a number of development areas. Two of these areas were also highlighted by the Joint Review of Learning Disability Services, which was reported to Cabinet in February 2009. These areas were:
 - Better public information for all service user groups about how to recognise and report abuse. We are working with Marcomms and with service users to develop this material.
 - Outcomes – how do we know that safeguarding arrangements are effective? In addition to the audits mentioned in paragraph 25, we are now monitoring outcomes for individual service users to see whether intervention had a positive effect for them and was successful in protecting them from further abuse or neglect.
32. In addition we have identified two further areas which require Cabinet approval. Firstly, a summary of roles, responsibilities and accountabilities within the Council is needed, similar to the summary which already exists for Children's Safeguarding. This document, which

is attached at appendix A, sets out the responsibilities of the Cabinet, elected Members, Chief Officers and other senior officers in relation to the safeguarding of vulnerable adults. It is important that this document is approved in time for the Independence, Well-being and Choice inspection.

33. Secondly, training for elected Members. Two courses are available. All elected members are invited to attend the one-day basic awareness course for staff. Alternatively, members may prefer to attend the short version of this course which can be delivered in a two-hour evening session. One of these short courses was delivered in July 2008 and was very well-received by the Members who attended. However, take-up for a second course in January was disappointing and it had to be cancelled. Cabinet support is sought for a training plan to ensure all elected Members have received training on safeguarding vulnerable adults by the end of 2009.

Finance

34. As outlined above, significant additional resources have already been provided for safeguarding activity. No new investment is proposed at this stage.

Law

35. Section 44 of the Mental Capacity Act 2005 includes an offence of ill-treatment or wilful neglect of a person lacking capacity.

Equality Impact

36. The No Secrets consultation document raises issues relating to diversity. The work plan of the Safeguarding Board is consistent with the Council's Policy on Equality and Diversity.

Recommendation

37. Cabinet is asked:
- To note the Department of Health Consultation on the Review of the 'No Secrets' Guidance; the response of the Dudley Safeguarding Vulnerable Adults Board (available in the Members' library) and progress with the safeguarding agenda in Dudley as set out in paragraphs 19 – 30 above.
 - To approve the set of Council accountabilities and responsibilities for safeguarding of vulnerable adults attached at Appendix A.
 - To approve the Annual Report of the Dudley Safeguarding Vulnerable Adults Board, which is available in the Members' library.

- To agree the training plan as set out in paragraph 33, to ensure that all elected Members receive training on safeguarding of vulnerable adults.

A handwritten signature in black ink that reads "Linda Sanders". The signature is fluid and cursive, with a large loop at the beginning of the first name.

Linda Sanders
Director of Adult, Housing and Community Services

Social Services Key Contact
Richard Carter
Assistant Director – Learning Disability and Learning Disability
01384 815804 - Email : Richard.carter@dudley.gov.uk

PCT Key Contact
Sarah Dugan
Director of Partnerships and Service Development
Dudley PCT
01384 361332