

**SELECT COMMITTEE ON HEALTH AND ADULT SOCIAL CARE -  
27<sup>th</sup> MARCH 2008.**

**REPORT OF THE DIRECTOR OF ADULT COMMUNITY AND HOUSING  
SERVICES**

**THE ANNUAL REPORT OF THE ADULT PROTECTION COMMITTEE**

**PURPOSE OF REPORT**

1. To present to Health and Adult Social Care Select Committee the Annual Report of the Adult Protection Committee.

**BACKGROUND**

2. In 2000, the Department of Health issued the 'No Secrets' Guidance, gave local councils the lead role in setting up a multi-agency committee and establishing policy, procedures and guidance for work with vulnerable adults, who were defined as any adult:

“Who is or may be in need of community care services by reason of mental or other disability, age or illness and who is or may be, unable to take care of themselves or unable to protect him or herself against significant harm or exploitation”

3. Over the past year, a number of reports have highlighted major concerns about the protection of vulnerable adults. These include a study into the prevalence of abuse in the care of older people; the report of abuse in NHS learning disability services; and the report on institutional discrimination in the NHS faced by people with a learning disability. The Mental Capacity Act introduced a new criminal offence of wilful neglect or ill-treatment of a person lacking capacity. The Government launched a dignity in care programme, which set out the criteria that high quality care services should meet. The CSCI report on the 'State of Social Care' and the Government Concordat, 'Putting People First' both emphasise the importance of systems which act on and minimise the risk of abuse and neglect of vulnerable adults.
4. CSCI now places much more weight on data collection, training and performance in relation to safeguarding in its annual assessment of Councils.
5. The Dudley Adult Protection Committee was established in 2004. It includes representatives of all the key agencies – DMBC, the PCT, the Dudley Group of Hospitals, the Police, CSCI and the independent sector.

6. The Committee's work is based on the following principles:
  - All adults have the right to independence that may involve a degree of risk.
  - Everyone has the right to live their lives free from violence, fear and abuse.
  - All adults have the right to be protected from harm and exploitation
7. The Committee has two sub-groups - Policy and Training. The Committee collects statistical information on the number of adult protection incidents reported in Dudley and is responsible for auditing multi-agency adult protection work.
8. In January 2007, the Committee published new Safeguard and Protect Procedures, which are binding on all agencies. An audit of compliance with these Procedures has recently been undertaken.
9. The Committee has recently agreed to change its name to the Dudley Safeguarding Vulnerable Adults Board, in line with the parallel Safeguarding Board for children.
10. The Committee has produced an Annual Report for the calendar year 2007. The report includes a summary of recent national developments and summarises progress with the local safeguarding agenda. It also highlights areas for future improvements.
11. Key messages include:
  - The collection of data on adult protection has improved and the number of recorded referrals is increasing.
  - Considerable numbers of DACHS, NHS and independent sector staff have now received basic training in adult abuse awareness.
  - Professional practice and inter-agency co-operation are positive, but we need to strengthen compliance with the Safeguard and Protect Policy and Procedures

## **FINANCE**

12. In accordance with our statutory responsibilities, the Council funds an Adult Protection Manager post, and two part-time clerks, one of whom is responsible for minuting adult protection conferences. The Council also funds most of the cost of the annual training programme through the Social Care Training Grant, which is now part of the Area-based Grant.

## **LAW**

13. The main legislation governing adult protection is contained in sections 21, 26 and 29 of the National Assistance Act 1948, the Community Care Act 1991, and the Mental Health Acts 1983 and 2007.

## **EQUALITY**

14. The Safeguard and Protect Policy and Procedures are consistent with the Equal Opportunities policy of the Council.

## **RECOMMENDATION**

15. Select Committee is asked to consider and comment on the Annual Report.

A handwritten signature in black ink that reads "Linda Sanders". The signature is written in a cursive style with a large, looping initial 'L'.

**Linda Sanders**  
**Director – Adult, Community and Housing Services**

**Contact Officer:**

**Richard Carter**  
**Assistant Director – Learning Disability and Mental Health**  
**Ext 5804.**

APPENDIX 1

**DUDLEY ADULT PROTECTION  
COMMITTEE**

**ANNUAL REPORT 2007**

## **THE ADULT PROTECTION SYSTEM IN DUDLEY**

### **Adult Protection Committee**

1. Dudley Adult Protection Committee annual report describes the work of the Committee. It outlines the background and function of the committee.
2. The Dudley Adult Protection Committee was established in 2004. The Committee includes representatives of Dudley Council Adult, Community and Housing Services Directorate, West Midlands Police, the Primary Care Trust and Dudley Group of Hospitals, West Midlands Fire Service and the voluntary agencies and independent sector providers.
3. The Committee meet four times per year under the chairmanship of Richard Carter, Assistant Director DACHS.
4. The Committee ensures the multi-disciplinary co-ordination of referral, enquiry, assessment, planning, intervention and case review to vulnerable adults who have been or are at risk of being abused. It monitors the responsibilities for each agency to protect and safeguard vulnerable adults from abuse or the risk of abuse.
5. Two sub-groups support the main Committee - Policy and Implementation and Training and Development.
6. The Committee oversees an Adult Protection Training Programmes to ensure that staff from the key agencies are trained to become aware and competent in dealing with issues of adult protection.
7. The Committee has recently decided to change its name to the Dudley Safeguarding Vulnerable Adults Board.

### **Adult Protection Unit**

8. The Adult Protection Team is made up of the Manager, a part-time Administrative Assistant and a minute-taking Administrative Assistant.
9. There have been around 157-recorded queries for advice on individual Adult protection issues in the last year to the Team.
10. The Adult Protection Manager gives advice and support to workers investigating incidents of abuse. The Manager keeps the Adult Protection Committee updated as to national guidance and best practice and also participates in developing Adult Protection training programmes and re-writing, amendment and audit of the Policy and Procedures. The Adult Protection Manager attends meeting of MAPPA - the Multi-Agency Adult Protection meeting.

11. The Adult Protection Manager liaises with Child Protection to provide an information exchange in cases of mutual concern. The Manager also attends the Domestic Abuse Forum and the Sexual Violence Forum. The purpose is to ensure that there is a strategic connection and to raise awareness of the links with adult abuse.
12. The Adult Protection Manager has provided briefings on the Adult Protection procedures to staff groups, including trainee Doctors, Psychiatrists and Mental Health managers in the last year.
13. The Manager attends the Regional Adult Protection Co-ordinator meeting, which are held on a quarterly basis. This is an opportunity to share, best practice. The West Midlands Police, Children and Vulnerable Adults Unit in Birmingham chair a further regional meeting. The purpose of the meeting is to improve the effective working relationships between the Police and Local Authorities. The Police have recently formed Vulnerable People's Units within each Force area and issued draft Adult Protection procedures, which are presently out for consultation – these are procedures which govern how the Police operate in adult protection inquiries, and are consistent with the multi-agency 'Safeguard and Protect' procedures in Dudley.

### **National Developments and Drivers**

14. The Adult Protection Committee has to keep abreast of recent national developments, including

#### Safeguarding Adults 2005 – a National Framework of Standards (Association of Directors of Adult Social Services – ADASS)

15. The document sets out specific standards that provide a framework for all our work on safeguarding adults covering:
  - The establishment of a multi-agency partnership.
  - Accountability and ownership recognised by each partner organisation.
  - The policy of every person to live free from abuse and neglect actively promoted by the Partnership in the community.
  - A zero tolerance policy of abuse within each partner agency.
  - A multi-agency workforce development strategy.
  - Public access to information about the local safeguarding procedures.
  - Multi-agency Safeguarding Adults policy and procedures, which detail the key stages in the investigative process
  - Each partner agency has its own internal guidelines
  - Service users are included as key partners in adult protection work.

Our Health, Our Care, Our Say. (Jan 2006)

16. The Green Paper "Independence, well-being and choice" 2005 followed by the 2006 White Paper, Our Health, Our Care, Our say emphasise the positive aspects of risk and the importance of people being more involved in making choices about the type and level of support they need.

Dignity in Care campaign DH. (Nov 2006)

17. This is a national campaign to put dignity and respect at the heart of the care services offered to Older People requiring services to have a "zero tolerance of all forms of abuse" and to ensure that people feel able to complain without fear of retribution.

Commission for Social Care Inspection (April 2006)

18. New regulations were introduced allowing the Commission for Social Care Inspection to focus their efforts on service providers that cause most concern and on concentrating resources where they can be most effective.

Help the Aged "Enough is enough" campaign (Feb 2007)

19. A new National campaign 'Enough is enough' aims to challenge misconceptions and raise awareness of the scandal of elder abuse.

Independence, Choice and risk: a guide to best practice in supported decision-making DH (May 2007)

20. Sometimes people's decisions might be perceived by professionals or family members as carrying some unacceptable risk, this documents intends to restore a balance in supported decision making,

Independent Safeguarding Authority DfES, DH and Home Office (June 2007)

21. This new scheme will build on the existing pre-employment checks available through the Criminal Records Bureau, the Protection of Vulnerable Adults scheme, the Protection of Children's Act scheme and draw on wider sources of information, providing a more comprehensive and consistent measure of protection for vulnerable group.

Cornwall, Sutton and Merton. HCC/CSCI (July 2006 & January 2007)

22. Widespread institutional abuse of people with learning disabilities at an NHS Trust in Cornwall was revealed in July 2006 in a report published by the Healthcare Commission (HCC) and the Commission for Social Care Inspection (CSCI). In January 2007 The Healthcare Commission

released a report detailing how outmoded, institutional care had led to the neglect of people with learning disabilities at Sutton and Merton Primary Care Trust. The Commission launched the first ever national audit of learning disability services, which has involved inspections of up to 200 NHS and individual establishments across England.

#### Death by indifference MENCAP (March 2007)

23. MENCAP's report 'Death by indifference' claims that people with a learning disability face institutional discrimination at every level of the health services. The Healthcare Commission said March 2007 that it would review the six cases highlighted by Mencap.

#### CSCI Safeguarding Protocol (March 2007)

24. The Protocol (agreed by the Association of Director of Social Services, Association of Chief Police Officer, Dept of Health) sets out how CSCI will work with other agencies to ensure that people who use regulated care services and safeguard from abuse. It sets out the role of the regulator in safeguarding information sharing and referral to lead agencies.

#### Mental Capacity Act (April 2007)

25. The Act includes making a criminal offence for wilful neglect or ill-treatment of a person who lacks capacity.

26. Local Authorities and the NHS have powers to instruct an Independent Mental Capacity where safeguarding measures are being put in place in relation to the protection of vulnerable adults from abuse.

#### The UK prevalence study: the National Elder Abuse Study DH/Comic Relief (June 2007)

27. This study showed that 4% or 342,400 people were neglected or abused in the last year by family, close friends and care workers, neighbours and acquaintances

### **ANNUAL REPORT**

28. The purpose of the annual report is to review current performance in the work undertaken in adult protection. It will also highlight areas for future improvements.

#### **Recording of data on adult protection**

29. In 2006 it was recognised that numbers of adult protection referrals logged on the Council's client database, SWIFT, did not reflect the actual level of activity and were in fact significantly lower than most



other Councils. This was identified by CSCI as an improvement area for the Council in the annual performance review in July 2007.

30. The Council has addressed this problem by revising the AS34, the form which is used for inputting to SWIFT, and by briefings with managers. As a result, the number of referrals has increased significantly during 2007 (see figures below).
31. SWIFT data has been supplemented by manual trawls in Learning Disability and Mental Health services, which have added to the number of referrals. The figure for Dudley is now more realistic and respectable.
32. Figures per team can now be identified, so that appropriate action can be taken with teams with low levels of referrals.
33. The following are the results of the available information
  - 187 cases were reported compared with only 46 in the last six months of 2006.
  - Physical abuse accounted for over 32% of referrals; the second largest category is financial abuse. There has also been an increase in the number of cases of neglect.
  - By gender there was a split of 60% Female and 40% Male.
  - Older People and Learning Disabled people made up the highest percentage of the cases reported in
34. The Government has announced that national data collection on the abuse of vulnerable people will be introduced.
35. A meeting was held with Dudley Group of Hospitals in November 2007 to clarify which cases should be dealt with as complaints about clinical care and which constitute adult protection referrals.
36. A database has been set up in the Adult Protection unit to record details of investigations concerning care homes.

## **Training**

37. Brian Nesbitt, Head of Residential Services chairs the Training and Development Sub-group and the membership is drawn from the main committee including support from operational managers.
38. The aims of the Sub-Committee are to identify the training needs of member organisations of the committee; to develop a training strategy and to implement a programme of training.
39. At the end of 2006 the number of staff from the Council and the independent sector who had received training in work with vulnerable adults was well below the target set by CSCI, although the figure was

better if staff who had undertaken the adult protection module as part of their NVQ were included.

40. During 2007 the figures have improved significantly as shown in the table below:

	<b>Health</b>	<b>Independent</b>	<b>Local Authority</b>	<b>Totals</b>
<b>2006 - 07</b>	123	64	832	<b>1019</b>
<b>2007- 08</b>				
April 07 –Dec 07	29	281	282	592
Jan 08 – March 08 estimate	20	80	100	200
<b>2007 – 08 Total</b>	49	361	382	792
<b>Total 2006 - 08</b>	<b>172</b>	<b>425</b>	<b>1214</b>	<b>1811</b>

41. This figure still falls short of the target of 100% attendance by Adult Social Care staff on the Awareness training by the end of March 08, but the remaining staff will undertake the training during 2008-09.

42.41 Social Work staff have attended the specialized training on investigation since January 2007 with a further 15 booked to attend before the end of March 2008. Most Learning Disability Social Workers have now been trained and we are working hard to increase the number of Social Workers with Older People and Mental Health teams who have completed the training.

43. 1800 front-line staff in the Council, PCT and independent sector have received basic awareness training. A flier to the independent sector produced 300 applications and this will be repeated during 2008.

44. 40 experienced social workers have received training on managing investigations and chairing adult protection conferences.

45. Other front-line managers have received training on practice issues to ensure a prompt and effective response to adult protection concerns.

46. Considerable efforts have been made to maximise attendance on courses and this is delivering results.

47. Feedback on the quality of the training has been positive, and there is some evidence that the training is raising awareness and resulting in more referrals of vulnerable adults.

48. DACHS is seeking the appointment of an additional staff development officer to carry out much of the basic awareness training.

49. The total cost of externally commissioned training in 2007-08 is £14,500

## **Audit**

50. The Safeguard and Protect Policy and Procedure was reviewed, amended and updated. A Workshop was held in January 2007 for over 90 people to launch the document. 700 copies of the procedure were circulated to all agencies and service providers, and it is also available on the internet and intranet.
51. In October/November 2007 an audit of 30 cases was carried out to assess compliance with the revised Safeguard and Protect procedures. The recommendations of the audit were as follows:
52. Duty Social Workers and Team Managers should use the screening questions in the Procedures to differentiate more clearly between cases which give 'cause for concern' and those which should be brought within formal adult protection procedures.
53. Further management briefings on the Procedures should be held with all groups of managers, including Mental Health. We should ensure that all senior social workers have completed the investigative training by the end of 2008, with a particular focus on planning the investigation and risk assessment.
54. Managers must adhere to the Safeguard and Protect guidance on meetings. There are only three types of meetings:
55. Strategy Meeting – to decide whether to investigate and to plan the investigation.
56. Initial Adult Protection Conference – to review the outcome of the investigation, risk assessment and steps needed to protect the vulnerable adult.
57. Review Adult Protection Conference – to review the Protection Plan.
58. The agenda and format for minutes in the Safeguard and Protect Procedures must be used.
59. The Adult Protection Manager should not be asked to chair Strategy Meetings; this is the responsibility of the Team Manager. The role of the Adult Protection Manager is to provide specialist advice in complex cases.
60. Adult Protection Conferences involving alleged abuse of residents in a DMBC care home and/or by members of DMBC staff should have an independent chair i.e. a chair who does not have line management for the unit or the investigation.
61. DACHS senior managers and the Adult Protection Committee should re-visit the protocol for managing investigations in care homes, to

identify what circumstances, if any, it is appropriate for the investigation, or part of it, to be carried out by the management of the home.

62. The AS34 form to input data to SWIFT must be completed in all cases.
63. The Adult Protection Plan must be recorded as a separate document on the file.
64. Mental capacity should be added as a separate item to the conference/strategy meeting minutes format.
65. Decisions received from the Police or CPS should always be documented on the file in writing.
66. The decision to discontinue an adult protection investigation should be recorded clearly on the file
67. An investigation was also carried out by the Chair of the Adult Protection Committee into a case – Mr BC – where procedures had not been followed; this has resulted in further improvements in the procedures as they relate to the allocation of cases to teams.
68. As a result of the audit a simple guide to the Procedures has been produced to aid familiarisation of staff.
69. The committee has also produced an easy-read guide to the Safeguard and Protect procedures for people with learning disabilities.
70. A dedicated part-time minute taker for Adult Protection meetings was appointed in May 2007. The total number of conferences arranged and minuted since then is 62.
71. The Committee has agreed a revised Serious Case Review Protocol incorporating recent ADASS guidance.

#### **WORK PLAN FOR 2008.**

72. The remit of the Adult Protection Committee will be extended as it becomes the Dudley Safeguarding Vulnerable Adults Board from April 2008 to include a programme of public awareness.
  - The Safeguarding Board will seek to ensure compliance with ADASS Safeguarding Adults eleven standards.
  - A major Adult Protection conference is scheduled for June 2008.
  - The introduction of the Vetting and Barring Scheme in 2008 will require consideration by the member agencies of the Safeguarding Board.

- We plan to strengthen the team carrying out basic awareness training
- All Social Workers in Adult Social Care will have completed the training on investigations.

**Richard Carter**  
**Chair of the Adult Protection Committee**

**February 2008.**



**APPENDIX 2**

**SAFEGUARD  
AND  
PROTECT**

**POLICY  
AND  
PROCEDURES**

**‘A QUICK GUIDE’**

**FEBRUARY 2008**

## **Purpose of Procedures**

The purpose of the Safeguard and Protect Procedures is to protect vulnerable adults from harm.

At all times, managers and staff in all agencies must act promptly in compliance with the Procedures

## **Summary of Procedures**

The Safeguard and Protect procedures have five stages. Each is described in detail in the Safeguard and Protect manual

### **Stage 1 – Identification, Referral and Screening**

Actual or suspected abuse of a vulnerable adult is identified. A referral is made to an Adult Social Care Team in Dudley Council.

The Team Manager decides whether or not to use Adult Protection Procedures. The Team Manager refers to the Screening Questions to assess the degree and duration of harm, the mental capacity of the client, and the need for intervention. The Team Manager will consider whether the matter should be dealt with in a different way e.g. as a complaint; via CSCI or Commissioning.

If Adult Protection, the Team Manager initiates the AS34 and convenes a Strategy Meeting.

The Team Manager considers whether any immediate action is necessary in advance of the Strategy Meeting to protect the vulnerable adult.

### **Stage 2 – Strategy Meeting**

The purpose of the Strategy Meeting, which is chaired by the Team Manager, is to:

- Share information about the vulnerable adult
- Decide whether abuse has taken place and whether a criminal offence appears to have been committed
- Identify who will carry out the investigation
- Plan the investigation
- Consider how the investigation will be carried out in conjunction with other procedures e.g. complaints.
- Advise whether any employee should be suspended immediately.

The Team manager is responsible for making a written record of the decisions of the Strategy Meeting.

### **Stage 3 - Investigation and Risk Assessment**

The purpose of the investigation is to gather further information about the needs of the vulnerable adult, the abuse which may have occurred; the family background and contributing factors to abuse.

If a criminal offence is suspected, the Police carry out the investigation.

In other cases, the investigation is led by an experienced social worker, supported as necessary by a second worker, who may be from another agency.

The investigation is planned carefully e.g. who should be interviewed and the sequence of interviews; the need for specialist assessments.

All interviews and other contacts are carefully recorded.

The investigating worker complete a risk assessment, which will form part of a report to an Adult Protection Conference if needed

If the investigation is complex, further strategy meetings may be necessary to review progress and plan next stages.

When the investigation is concluded, the Team Manager decides whether to:

- Close the case if evidence of abuse is not substantiated and if necessary offer other services.

OR

- Take action to protect the vulnerable adult (in some cases this may be necessary at an earlier stage),  
and/or
- To convene an Adult Protection Conference

### **Stage 4 - Adult Protection Case Conference**

The purpose of the conference is to:

- Share and review the evidence which was gathered during the investigation
- Agree a risk assessment based on this evidence
- Agree a protection plan if necessary.



- If a protection plan is not needed, consider what other services may be appropriate

The investigating worker prepares a report using the format in the Safeguard and Protect Procedures

The Conference is chaired by the responsible Team Manager, except in cases of particular complexity where an independent chair may be necessary.

The Conference follows the standard agenda in the Safeguard and Protect Procedures.

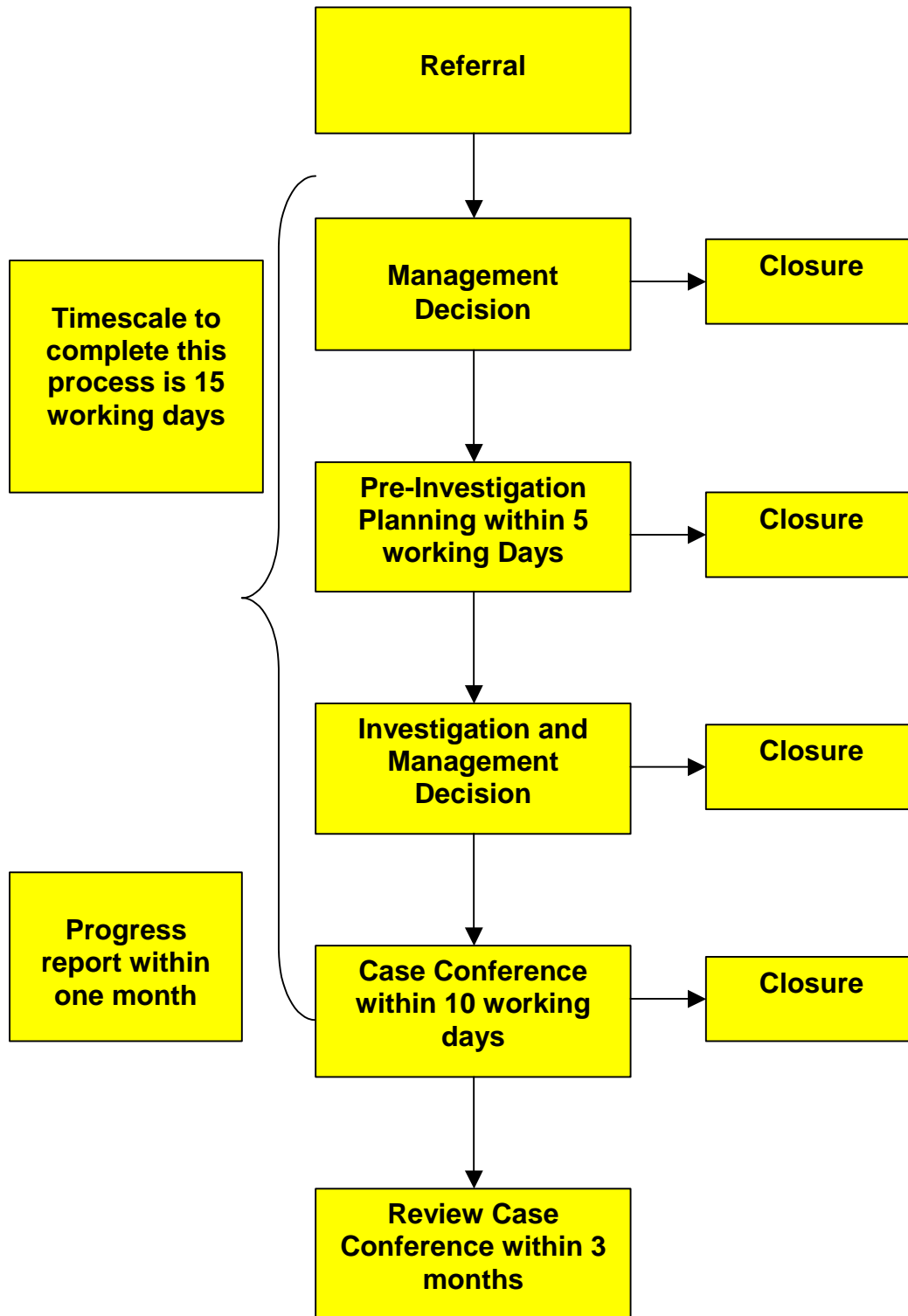
Following the Conference, the named Key Worker completes the Protection Plan as a separate document on the file. Advice on the content of the Plan can be found in the Safeguard and Protect Procedures.

### **Stage 5 – Review**

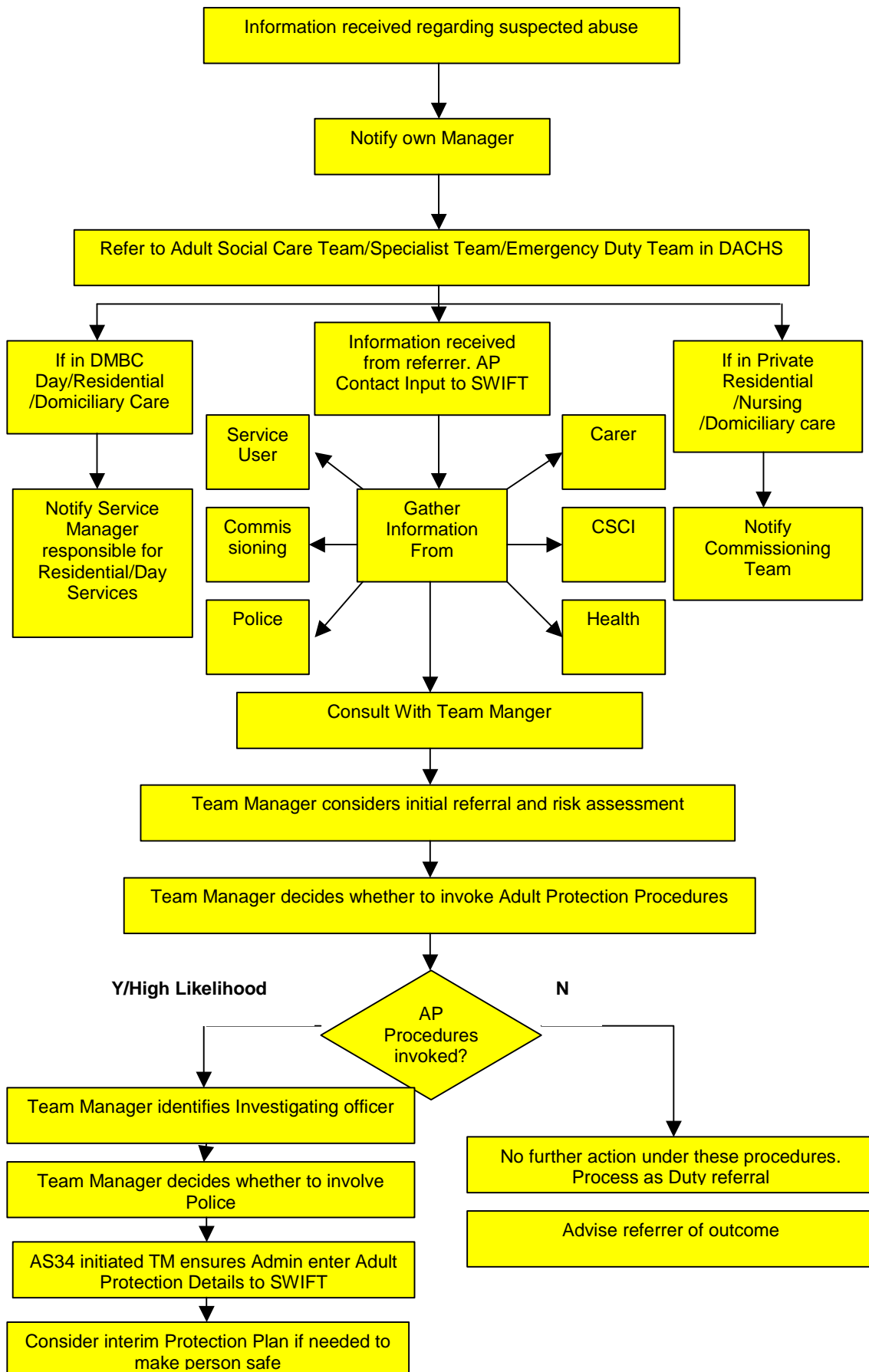
Any vulnerable adult who is subject of a Protection Plan should be reviewed in a Review Adult Protection Conference not less often than every six months.

If the Review Conference concludes that the vulnerable adult is no longer at risk, other services may be offered or the case closed.

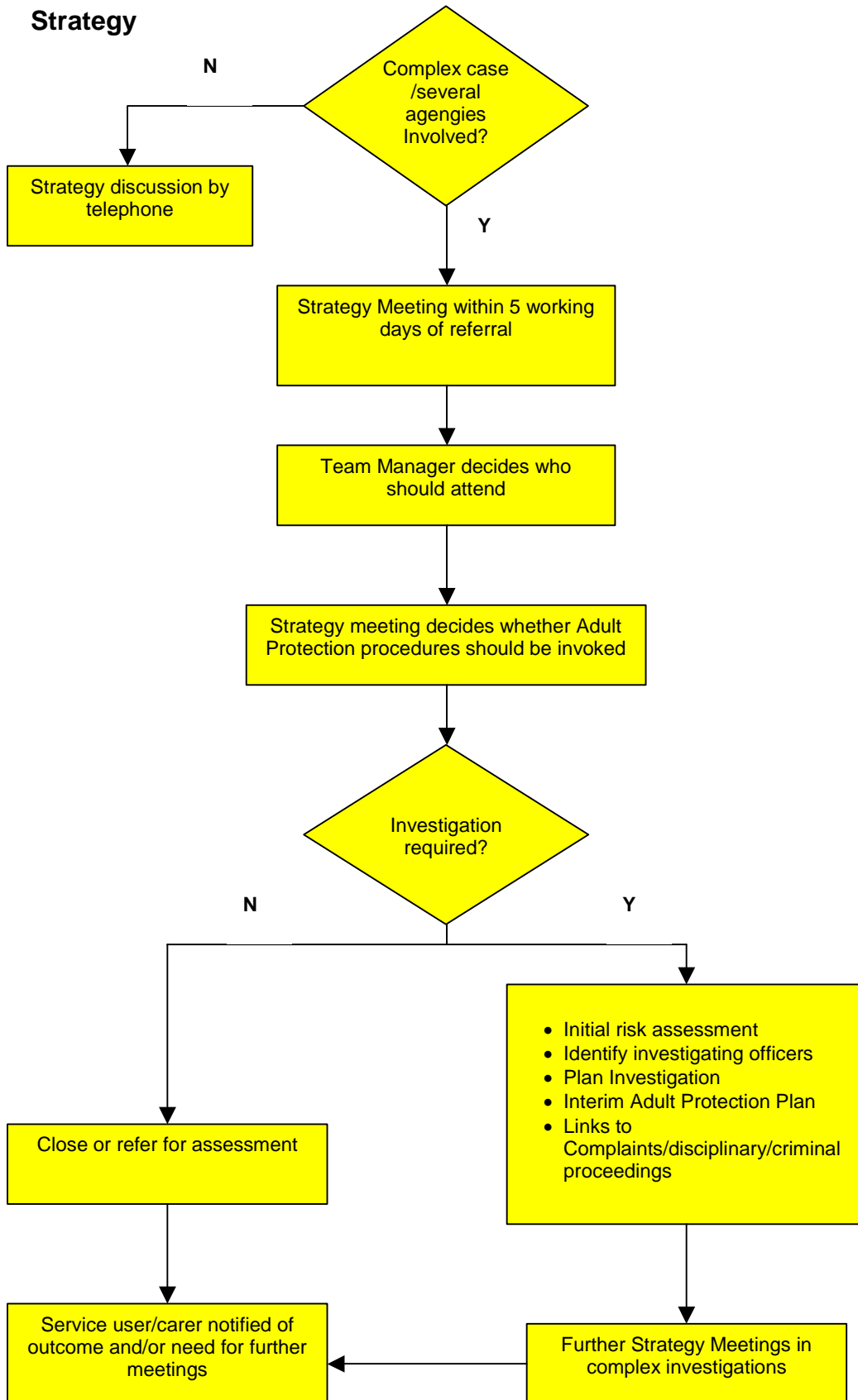
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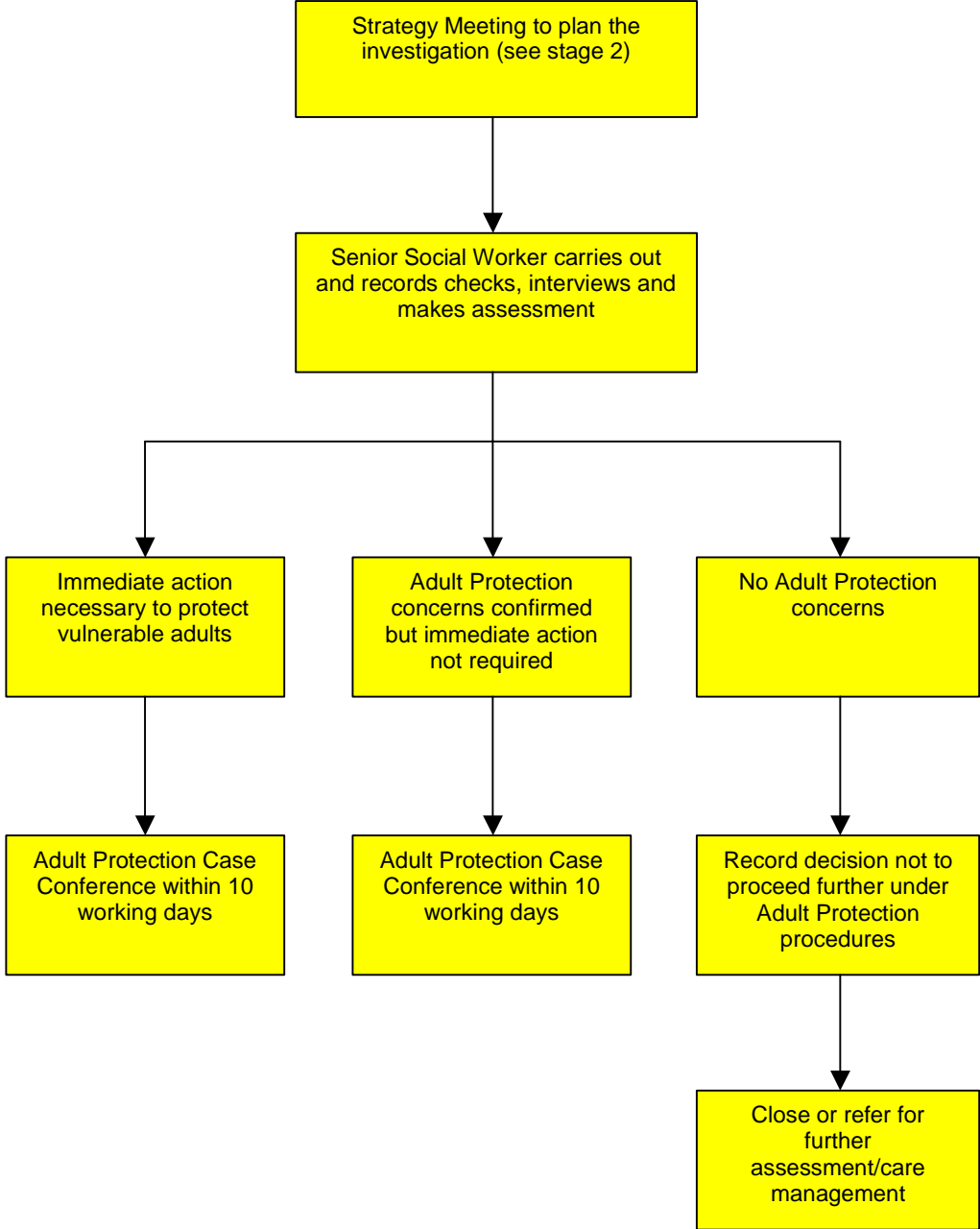
**STAGE 1**  
**Identification, Referral and Screening**



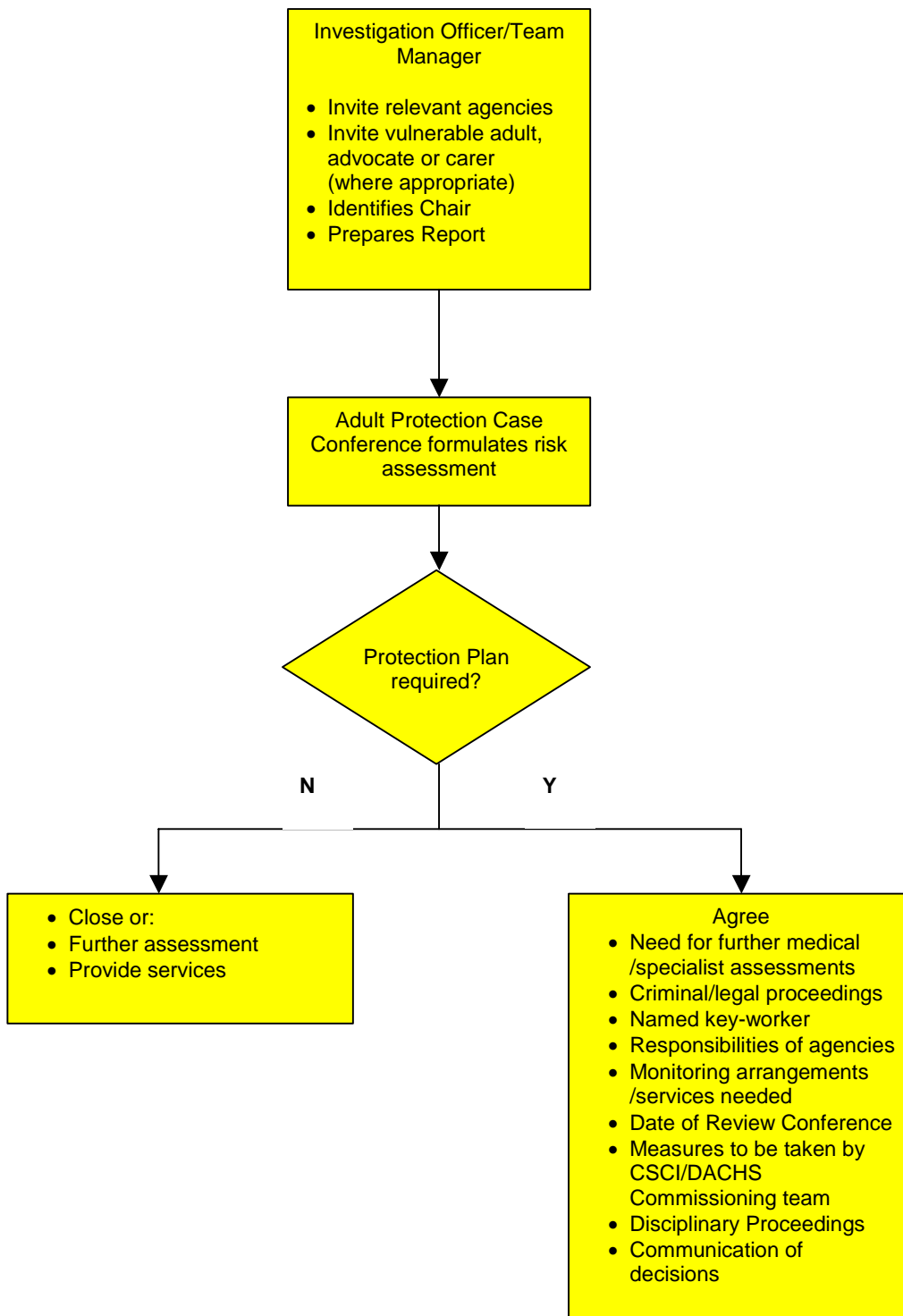
**STAGE 2  
Strategy**



**STAGE 3**  
**Investigation and Risk Assessment**



## STAGE 4 Adult Protection Case Conference



**STAGE 5**  
**Adult Protection Review**

