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| Item No. | Classification: Open | Date: 19 September 2023 | Decision Taker: Health and Social Care Scrutiny Commission |
| Report title: | | Review into Definitions of Adult Safeguarding | |
| Ward(s) or groups affected: | | N/A | |
| From: | | Pauline O'Hare, Director for Adult Social Care | |

RECOMMENDATIONS

1. That the Health and Social Care Commission note the definitions of adult safeguarding.
2. That the Health and Social Care Commission note how Southwark Adult Social Care (ASC) investigate safeguarding allegations.
3. That the Health and Social Care Commission note how ASC work with providers and families.
4. That the Health and Social Care Commission note the safeguarding training offered.

BACKGROUND INFORMATION

5. The Care Act (2014) establishes a clear legal framework directing Local Authorities and other agencies how to safeguard and protect 'adults at risk' from abuse or neglect.
6. Safeguarding is defined as protecting adults' right to live safely, free from abuse and neglect.
7. The Care Act defines an 'adult at risk' as an individual aged 18 or above who: possesses care and support needs; is experiencing, or at risk of, abuse or neglect; and due to their care and support needs, lacks the ability to protect themselves against the abuse or neglect or the risk of it.
8. The Care Act 2014 statutory guidance set out 6 guiding principles that underpin the safeguarding of adults at Risk:
 - **Empowerment** - people are supported and encouraged to make their own decisions and informed consent.
 - **Prevention** - it is better to take action before harm occurs.
 - **Proportionality** - The least intrusive response appropriate to the risk presented.

- **Protection** - support and representation for those in greatest need.
 - **Partnership** - services offer local solutions through working closely with their communities. Communities have a part to play in preventing, detecting and reporting neglect and abuse.
 - **Accountability** - accountability and transparency in delivering safeguarding actions.
9. The primary goal of safeguarding is to prevent abuse or neglect whenever possible. This includes minimising harm and diminishing the likelihood of abuse for adults who require care and support. Safeguarding should empower adults to make informed choices and exercise control over their living arrangements. It also seeks to enhance the quality of life for the individuals involved. Additionally, it aims to raise awareness within the general public and encourage both communities and professionals to actively contribute to identifying, preventing and responding to instances of abuse and neglect. To achieve this, safeguarding endeavours to provide accessible information and support, helping adults comprehend various forms of abuse, how to ensure their safety, and what steps to take when raising concerns about the well-being of an adult. Furthermore, it addresses the root causes of abuse to create a comprehensive approach to safeguarding adults.
10. Under the Care Act, Local Authorities have new safeguarding duties they must adhere to:
- **Lead a multi-agency local adult safeguarding system** that seeks to prevent abuse and neglect and stop it quickly when it happens.
 - **Make enquiries, or request others to make them**, when they think an adult with care and support needs may be at risk of abuse or neglect and they need to find out what action may be needed.
 - **Establish Safeguarding Adults Boards**, including the local authority, NHS and police, which will develop, share and implement a joint safeguarding strategy.
 - **Carry out Safeguarding Adults Reviews** when either (1) someone with care and support needs dies as a result of neglect or abuse and there is a concern that the local authority or its partners could have done more to protect them or (2) the person is still alive and they have experienced or suspected to have experienced serious abuse or neglect.
 - **Arrange for an independent advocate** to represent and support a person who is the subject of a safeguarding enquiry or review, if required.

KEY ISSUES FOR CONSIDERATION

11. Local approach to safeguarding training

- Southwark ASC offers its workforce training on a range of issues. Training is reviewed annually as part of the local Workforce Learning Needs Analysis. Southwark's Safeguarding Adult Board (SSAB) commission several safeguarding modules. ASC have also signed up to Learning Pool which is an electronic training platform offering further e-learning resources. There are a total of 52 different Safeguarding themed courses (please see Appendix 1). Training offered by the SSAB and e-learning is also freely available to partner agencies.
- At present Safeguarding Level 1 is mandated for all staff. It is expected that social workers will complete Safeguarding Level 2 and 3, whilst operations managers and practice supervisors are required to complete Safeguarding Level 4. Each safeguarding level is linked to the roles and responsibilities of the applicant.

12. How ASC approach safeguarding enquiries

- ASC follows a pathway as guided by The London Multi-Agency Safeguarding Adults Policies and Procedures. Once a referral is received, ASC will screen the referral to identify if care and support needs are referenced and whether there is an indication that abuse or neglect has occurred, or is at risk of occurring. If evidence of this is found in the referral, then a Safeguarding Concern will be raised and allocated to a worker to ensure the immediate safety of the individual, find out their views and wishes and to carry out an initial investigation into the incident / allegation.
- The allocated worker will determine whether there is "reasonable cause to suspect" that the adult has care and support needs; is experiencing, or at risk of, abuse or neglect; and due to their care and support needs, lacks the ability to protect themselves against the alleged abuse or neglect or the risk of it. If this threshold is met, then the safeguarding concern will be progressed to a safeguarding enquiry and allocated to a lead enquiry officer (social worker) and a safeguarding adults manager (usually a deputy team manager or team manager) to make further enquiries into the allegation / incident, determine the individual's desired outcomes and agree a protection plan with the person, their support network and any community partners who may be involved. Depending on the complexity and severity of the allegation / incident, the safeguarding enquiry may include a strategy meeting and / or enquiry meeting to agree actions, review progress and share evidence.
- Once the enquiry has been completed, a report will be produced by the lead enquiry officer and authorised by the safeguarding adults manager. This will be shared with the person and all involved parties so that they are aware of the findings of the enquiry and the agreed protection plan.

13. How ASC works with the adult at risk

- In accordance with “Making Safeguarding Personal” guidance and the Safeguarding Principles in the Care Act, ASC will empower the adult at risk to determine the outcomes that they want to see from the safeguarding process and structure the enquiry around these. ASC will take a proportionate response to risk assessment and protection planning acknowledging that focusing too heavily on safety can compromise other aspects of a person’s wellbeing. In addition, ASC will identify the person’s strengths and try to build on these to promote resilience, prevent further incidents and support them to manage complex situation.

14. How ASC work with families

- ASC will work with families to understand the context behind the concerns raised and to identify the risks as well as the strengths and assets in the family and social network. ASC will use this to create a holistic protection plan which involves the family to provide long term solutions which build resilience and prevent further incidents.
- If families are implicated in the safeguarding concerns raised, ASC will take a person centered approach and be guided by the individual in relation to the outcomes they would like to see from the enquiry. Information will be provided to the person in relation to the support that is available if someone is experiencing abuse at the hands of their family, this may take the form of a referral to the Multi Agency Risk Assessment Conference (MARAC) and the involvement of an Independent Domestic Violence Advocate (IDVA).

15. How ASC work with referring agencies

- ASC ensure that referring agencies are kept updated on the referral received. ASC will ensure that the referring agency is made aware of the decision either to progress the safeguarding concern to a full enquiry or to close the safeguarding at the concern stage. The referring agency may also be consulted throughout the process of enquiry to gather further information and may be invited to any strategy or enquiry meetings held, if the adult at risk is in agreement with them being present. The referring agency will be provided with the findings and outcomes of any Safeguarding Enquiries completed and may be a contributing partner to any Protection Plans agreed through the course of the Safeguarding Process.

16. How we work with service providers and care homes

- ASC work in partnership with service providers and care homes, ensuring that adult safeguarding is implemented as a learning process. This process encourages service providers and care homes to be transparent about their challenges so that ASC can work with them and provide advice and guidance to improve their care and support.

- ASC ensure service providers and care homes are held to account if improvements in care and support are not forthcoming and there are indications of organizational failings of a frequency or severity that ASC finds unacceptable. Instances of this nature will be identified through our quality alerts process and / or through tracking the frequency and severity of Safeguarding Concerns raised in relation to service providers and care homes. These are discussed at a Bi-Monthly meeting with the Commissioning and Placements departments to determine if a Provider Concerns Process needs to be raised or whether increased monitoring is required through the Quality Improvements Process.
- A provider concerns process will only be raised if a service provider or care home continues to fail to meet expected standards and is placing the people they provide a service to at risk. A decision may then be made to place an embargo on all future placements with the provider. Alternately the provider may themselves chose to impose a voluntary embargo, giving them the time to remedy the situation. If this occurs, London ADASS will be informed to alert all London boroughs of the introduction of the embargo. If the provider continues to fail to make improvements, or meet expected standards, then the council will liaise with the CQC and may choose to go through the process of ending the contract, or stop all purchasing with that provider.

Policy framework implications

17. The approach outlined within this report is integral with the delivery of a number of ASC 2023-24 priorities (*links available upon request*):
 - **Improve the way we work with residents** - Assess and support people to maximize their independence, choice and control, help people to maintain wellbeing and live healthier lives, reducing future needs for care and support. Seek out and listen to people who are most likely to experience inequality and provide tailored support.
 - **Ensure we provide safe and quality services** – Work with people and our partners to establish and maintain safe systems, pathways, and transitions, in which safety is managed, monitored and assured.
18. Southwark ASC also uses a platform called Tri.x. this houses a suite of policies, procedures and guidance in relation to Safeguarding and Mental Capacity, which all ASC staff can refer to.
<https://southwarkadults.trixonline.co.uk/resources/local-resources>

Community, equalities (including socio-economic) and health impacts

Community impact statement

19. ASC plays a vital role in empowering individuals with disabilities or mental illness to lead independent lives by offering practical assistance, ensuring their safety and wellbeing. These services are commonly provided in people's own homes, care facilities, or within the community.

Equalities (including socio-economic) impact statement

20. One of Southwark's key values is to treat residents as if they were a valued member of our own family

Health impact statement

21. Health impact not implicated in this report.

Climate Change Implications

22. Health impact not implicated in this report.

Resource implications

23. No changes in resource allocation is requested within this report.

Legal implications

24. **Section 42 Enquiries:**
Section 42 of the Care Act 2014 outlines the duty to make enquiries in cases where there is "reasonable cause to suspect" abuse or neglect of an adult at risk. Local authorities have a duty to carry out these enquiries to determine whether the adult is at risk and what actions need to be taken to protect their wellbeing.

Financial implications

25. There are no direct financial implications of this report. However, are training costs associated with safeguarding, in which there is sufficient budget to fund this through the dedicated ASC training budgets.
26. Additionally, there are communication and engagement costs with families, referring agencies, service providers and care homes incurred periodically. This can be funded through existing resources.

Consultation

27. ASC work closely with health watch. There is also a disability forum and co-production network is being set up to further look at the involvement of people with lived experience.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Assistant Chief Executive (Governance and Assurance)

28. Not obtained.

Strategic Director of Finance REF: [23AS2023-24]

29. The Strategic Director of Finance notes the recommendations and the key issues for consideration stated in the report. The financial implications stated in points 26-27 suggest possible spend which can be funded from existing resources.

BACKGROUND DOCUMENTS

| Background Papers | Held At | Contact |
|---|---|---------------------------------|
| Care and support statutory guidance | Adult Social Care Directorate, Children and Adult Services, 4th Floor, 160 Tooley Street, London, SE1 2QH | Pauline O'Hare 020 7525 0582 |
| https://www.gov.uk/government/publications/care-act-statutory-guidance/care-and-support-statutory-guidance#safeguarding-1 | | |
| London Multi Agency Adult Safeguarding Policy & Procedures | Adult Social Care Directorate, Children and Adult Services, 4th Floor, 160 Tooley Street, London, SE1 2QH | Pauline O'Hare 020 7525 0582 |
| 2019.04.23-Review-of-the-Multi-Agency-Adult-Safeguarding-policy-and-procedures-2019-final-1-1-1.pdf (londonadass.org.uk) | | |

APPENDICES

| No. | Title |
|------------|--|
| Appendix 1 | Southwark ASC Adult Safeguarding course list |

AUDIT TRAIL

| | | |
|---|--|--------------------------|
| Lead Officer | David Quirke-Thornton Strategic Director of Children and Adult Services | |
| Report Author | Pauline O'Hare Director of Adult Social Care | |
| Version | Final | |
| Dated | 8 September 2023 | |
| Key Decision? | No | |
| CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER | | |
| Officer Title | Comments Sought | Comments Included |
| Assistant Chief Executive - Governance and Assurance | No | No |
| Strategic Director of Finance | Yes | Yes |
| Cabinet Member | Yes | Yes |
| Date final report sent to Scrutiny Team | | 13 September 2023 |