

Report of the Strategic Director of Health and Wellbeing to the meeting of the Health and Social Care Overview and Scrutiny Committee to be held on 7 September 2017

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Subject:

Safeguarding Adults at Risk of Abuse

Summary statement:

This report provides Scrutiny Committee Members with details of Bradford Council's Health and Well Being Department's performance in relation to the Protection of Adults at Risk from abuse for the year 2016/17. In addition, the report provides a current summary of activity and ongoing development.

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1. SUMMARY

This report provides Scrutiny Committee Members with details of Bradford Council's Health and Well Being Department's performance in relation to the Protection of Adults at Risk from abuse for the year 2016/17. In addition, the report provides a current summary of activity and ongoing development.

The Care Act 2014 sets out a clear legal framework for how local authorities and other parts of the system should protect adults at risk of abuse or neglect. Bradford MDC has a number of statutory safeguarding duties arising from the Care Act which the Council has been implementing through changes to the structure and operating process in relation to safeguarding the rights of adults at risk of abuse including provision of advocacy support.

The aim of any future development of the Safeguarding Adults Team is to provide a robust system for dealing with the increasing number of safeguarding adults concerns whilst being capable of delivering the Care Act's requirement to 'Make Safeguarding Personal' (MSP) in keeping with the positive obligations incumbent of the Council to uphold and safeguard people's human rights in keeping with the European Convention on Human Rights and the statutory principles of the Mental Capacity Act 2005 and Code of Practice which are:

- a presumption of capacity - every adult has the right to make his or her own decisions and must be assumed to have capacity to do so unless it is proved otherwise
- the right for individuals to be supported to make their own decisions - people must be given all appropriate help before anyone concludes that they cannot make their own decisions
- that individuals must retain the right to make what might be seen as eccentric or unwise decisions
- best interests - anything done for or on behalf of people without capacity must be in their best interests
- least restrictive intervention - anything done for or on behalf of people without capacity should be an option that is less restrictive of their basic - as long as it is still in their best interests.

2. BACKGROUND

The Care Act 2014 sets out a clear legal framework for how local authorities and other parts of the system should protect adults at risk of abuse or neglect. Bradford MDC has a number of statutory safeguarding duties arising from the Care Act which the Council has been implementing through changes to the structure and operating process in relation to safeguarding the rights of adults at risk of abuse including:

- leading a multi-agency local adult safeguarding system that seeks to prevent abuse and neglect and stop it quickly when it happens
- making 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

- establishing Safeguarding Adults Boards, including the local authority, NHS and police, which will develop, share and implement a joint safeguarding strategy
- carrying out Safeguarding Adults Reviews when 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
- arranging for an independent advocate to represent and support a person who is the subject of a safeguarding enquiry or review, if required.

During 2017 the Council has begun to apply pace to the process of implementing the Care Act duties and changing business practices and operating protocol in consultation with key partners within the Safeguarding Adults Board, including West Yorkshire Police.

Safeguarding Adults Board (SAB) includes the local authority, the CCG and the police. The SAB is required to publish a strategic safeguarding plan annually on its progress, to ensure that partner agencies' activities are effectively co-ordinated and delivered.

The Safeguarding Adults Board needs to arrange for a Serious Case Review to take place in certain circumstances, where an adult dies or there is concern about how one of the members of the SAB conducted itself in the case. Such reviews will focus on learning from experience and improving services.

3. REPORT ISSUES

The main purpose of this report is to reassure elected members that Bradford will continue to drive forward the development of the Safeguarding Adults Team in order to ensure a high quality service delivery that protects the health and wellbeing of adults at risk and at the same time provides them with the opportunity to remain independent, make their own choices, and remain in control of their lives.

During 2017 the Council has begun to apply pace to the process of implementing the Care Act duties and changing business practices and operating protocol in consultation with key partners within the Safeguarding Adults Board, including West Yorkshire Police. The baseline for this work is the 2016/17 performance reported to NHS Digital which shows that:

- Bradford is below the average for the region in term of the volume of safeguarding concerns reported at 827 concerns per 100,000 population versions a regional average of 927 per 100,000 population.
- Of the concerns received Bradford progressed 20% through to Section 42 enquiries. This was the lowest in the region, with the range being between 20% and 100% of concerns progressing to Section 42 enquiries.
- The proportion of concerns that had an outcome of 'no further action' was the highest in the region with 74% of concerns raised, not progressing to any formal investigation. It is not possible from the data collected to identify what proportion of concerns related to the same individual. However, data reported on the Safeguarding Adults Collection (SAC) suggests that some cases have multiple individuals involved. No indication is given to people who were subject to more than one safeguarding concern during the year as this is not a focus of the return.
- When the data is disaggregated at health condition level, with 58% of all concerns relating to mental health and 28.6% relating to learning disabilities.

- Of those concerns which progressed to a Section 42 enquiry, 7% of people reported that they had a risk remain, 62% saw the risk reduced and 30% saw the risk removed altogether.
- Overall, the Adult Social Care Outcomes Framework report that 72% of people who use services felt safe in 2016/17 which is above the regional average for Yorkshire Humber of 70%. This was an improved position of 2015/16.

This historic level of performance had resulted by September 2016 with Bradford having accumulated a backlog of 1,000 concerns raised about an adult at risk of abuse which included 200 concerns which dated from between 2014 -16. The newly appointed Strategic Director Health and Well Being, who commenced post in October 2016 has taken the following action to improve performance:

- Establishment of the post of Principal Social Worker to lead on professional practice standards for all adult social workers including discharging of their statutory functions under Section 42 of the Care Act – the duty to make enquiries where a concern is raised about an adult who is potentially at risk of abuse.
- Establishment of the role of Mental Capacity Act Lead and recruitment of an Interim Team Manager Safeguarding Adults to lead and manage the implementation of assurance frameworks which ensure that the Council upholds and safeguards people’s rights and does so through discharging statutory functions in keeping with the standards laid out in the Care and Support Statutory Guidance to the Care Act.
- Recruitment to a full staff team for a refocused and rebranded Safeguarding Adults Team.
- Commissioning of Quality Projects to undertake a review and closure process for 208 cases dated 2014 to 2016. 41 of these cases have progressed forwards for further enquiries.
- Cooperated with internal audit to develop improvement plans for MCA and the Deprivation of Liberty Safeguards.
- All staff in the Department with responsibility for assessing risk have been trained between April and July 2017 in Mental Capacity, legal literacy and the procedures of the Court of Protection.
- Begun work in partnership with West Yorkshire Police to establish a Multi-Agency Safeguarding Hub for screening and triage of concerns between the Local Authority and the Police as the joint lead agencies for safeguarding adults at risk of abuse. The MASH shall be located within the Access Team at Britannia House and shall be staffed by a joint team of social workers and a detective and coordinator from the police. This is due to go live from October 2017.
- Commenced a commissioning review of the arrangements for statutory advocacy roles including Care Act advocates, Independent Mental Capacity Advocates, Independent Mental Health Advocates, the Relevant Person’s Representative and Litigation Friends which are provided by 5 Providers who are funded through 15 separate grant and contractual arrangements some of which are joint funding arrangements with the CCGs grants.

In keeping with the views of the Safeguarding Adults Board there is a compelling business case being prepared to redesign the function of a Safeguarding Adults Team to modernize the function and ensure that the Council is compliant with Sections 40 to 42 of the Care Act – the duty to make enquiries. The Care Act requires that Bradford Council make proportionate enquiries (or to make sure that, as the lead agency, enquiries are carried out by the relevant organisation) where there is a concern about the possible abuse or neglect

of an adult at risk. This may or may not be preceded by an informal information-gathering process, if that is necessary to find out whether abuse has occurred or is occurring and therefore whether the Section 42 duty applies.

It is important that at all points, the five statutory principles of the Mental Capacity Act underpin all approaches to ensure that the person is in control and their capacity to decide how they want their outcome met through a safeguarding adults process is assumed. Consideration needs to also be given how the Council discharges its Section 42 functions in partnership with the police where there is a potential criminal investigation required. This requires that we ensure that all partners are working together, putting the adult at risk at the centre of all activity and fast-tracking safeguarding actions where it is most needed thus addressing the known issues of duplication, delayed information-sharing and unnecessary bureaucracy.

The police have worked in partnership with the Council and the CCG to develop initial proposals in relation to multi-agency information sharing (otherwise known as a MASH). This model reflects the basic role of a multi-agency safeguarding adults team in facilitating information-sharing and risk assessment when a concern about an Adult at Risk is raised and submitted. The proposals envisage an enhanced duty system based in the Council's Access Service and reporting through to the Safeguarding Adults Team Manager, through which all safeguarding concerns are properly risk-assessed using information from the Local Authority and Police as the joint lead agencies for safeguarding adults at risk of abuse. Further the pilot will include a named detective being assigned as the lead liaison officer working with the Team Manager Adult Safeguarding to on a daily basis to coordinate responses where there is a potential criminal investigation required. This approach shall support expedited joint decision making on the priority level of the concern and where a joint risk management plan is the most appropriate response. This is intended to cut down on barriers to reporting adult safeguarding concerns, and make it as simple as possible for members of the public and Adults at Risk themselves to report concerns and receive the right level of support to enable them to remain in control of how their outcomes are met.

4. FINANCIAL & RESOURCE APPRAISAL

The Department has had to significantly in adult social work to rebuild the Safeguarding Adults Team and establish the Mental Capacity Service. This has been an unfunded growth pressure on the Departmental budget.

The annual budget for the service is c £685,000 . The proposed contract length is 5 years plus 1, giving a total contract value of c £4.1million.

5. RISK MANAGEMENT AND GOVERNANCE ISSUES

The historic response to concerns resulted in a backlog of open cases which was not addressed until the arrival of the Strategic Director Health and Well Being in October 2016 Work which has commenced to review and gather further information prior to a decision being made in relation to these cases potentially exposes the Council to further risk associated with the outcome from the enquiry. This risk has been placed upon the Corporate Risk Register. The majority of this risk has now been mitigated.

6. LEGAL APPRAISAL

The advocacy contracts are due to terminate on 31 March 2018, and under the proposed procurement timetable, a contract would be awarded in December 2017 allowing for a 3 month handover, with the new service commencing on 1 April 2018.

The contract will be formed of 2 Lots:

1. Statutory and Non Statutory Advocacy
2. Self and Group Advocacy, Capacity Building and Volunteering.

This approach is to ensure that the Council is meeting its statutory duties under the Care Act 2014 and the Mental Capacity Act 2005 and to cater for future demand. Market engagement has been on-going.

7. OTHER IMPLICATIONS

7.1 EQUALITY & DIVERSITY

Analysis of safeguarding adults concerns for 2016/17 shows that 57% of activity relates to females and 43% to males. Of the contacts relating to females, slightly more (19% in total) proceed to a Section 42 enquiry, whereas for males only 16% proceed to S42 enquiries. 75% of all activity related to people whose ethnic origin is recorded as white and 13% are from BME backgrounds.

7.2 SUSTAINABILITY IMPLICATIONS

None

7.3 GREENHOUSE GAS EMISSIONS IMPACTS

None

7.4 COMMUNITY SAFETY IMPLICATIONS

Safeguarding adults at risk of abuse is a core strand of community cohesion and community safety approach.

7.5 HUMAN RIGHTS ACT

Implementation of the Council's duties under the Care Act 2014 to safeguard adults at risk of abuse must be discharged in keeping with the positive obligations incumbent of the Council to uphold and safeguard people's human rights in keeping with the European Convention on Human Rights and the statutory principles of the Mental Capacity Act 2005 and Code of Practice.

7.6 TRADE UNION

None

7.7 WARD IMPLICATIONS

None

**7.8 AREA COMMITTEE ACTION PLAN IMPLICATIONS
(for reports to Area Committees only)**

None

8. NOT FOR PUBLICATION DOCUMENTS

None

9. OPTIONS

There are no options associated with this report.

10. RECOMMENDATIONS

That the Committee consider the report and any resolutions it may wish to make.

11. APPENDICES

None

12. BACKGROUND DOCUMENTS

None