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**ADULT SAFEGUARDING**

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**Purpose of Report**

1. To provide Members with background information to inform their scrutiny of adult safeguarding. This report provides: an overview of the duties regarding adult safeguarding, as set out by the Social Services and Wellbeing (Wales) Act 2014; an overview of the Local Safeguarding Adults Board; metrics available re: adult safeguarding in Cardiff; and a copy of the *SSIA<sup>1</sup> Safeguarding Adults: Councillors Workbook*, attached at **Appendix A**.

**Scope of Scrutiny**

2. As part of work programming discussions for the 2016/17 Municipal Year, Members decided to scrutinise whether the Council and its partners are working together effectively regarding adult safeguarding in Cardiff, with specific focus on:
  - Local Safeguarding Adults Board – governance arrangements and linkages to other partnership and safeguarding working.
  - Service Delivery – safeguarding elements in service delivery – responding to concern re abuse and/ or neglect.

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<sup>1</sup> SSIA stands for Social Services Improvement Agency

## Overview of Adult Safeguarding

3. The Social Services and Wellbeing (Wales) Act 2014 (hereafter referred to as the Act) sets out the duties and responsibilities for local authorities and relevant partner organisations<sup>2</sup> with regard to safeguarding. Part 7 details the specific duties and requirements regarding safeguarding. Other parts of the Act also apply to safeguarding cases, such as the overarching duty to promote well-being, to have regard to people's individuality, dignity and views, and support them to participate including considering whether advocacy support is necessary. Practitioners must also have regard to the United Nations Principles for Older Persons, the United Nations Convention on the Rights of Disabled People, as well as the European Convention of Human Rights.
4. The Welsh Government has published some guidance, including an overview of safeguarding and briefings on Adult Protection and Support Orders and Adult Practice Reviews. Detailed guidance on other aspects of practice for adult safeguarding, concerning processes and procedures, is awaited.
5. The Care Council for Wales is co-ordinating training on the Act and various training materials are available on their website by clicking on the following hyperlink: <http://www.ccwales.org.uk/learning-resources-1/the-act/safeguarding/> These have been used in the preparation of this cover report.
6. The Act sets out a new pathway for adult safeguarding, as shown overleaf, which includes:
  - A new definition of an adult at risk
  - A new duty for all relevant partners to report an adult at risk
  - A new duty for a local authority to make enquiries if it has reasonable cause to suspect that a person within its area (whether or not ordinarily resident there) is an adult at risk.

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<sup>2</sup> The Act defines relevant partners as the police, other local authorities, probation, local health boards and NHS trusts.

## Adults Pathway



7. The **new definition of an adult at risk** is an adult who:

- Is experiencing, or is at risk of, abuse or neglect.
- Has needs for care and support (whether or not the authority is meeting any of those needs).
- As a result of those needs is unable to protect himself or herself against the abuse or neglect or the risk of it.


8. Abuse and neglect include :

### Abuse and neglect

- Physical
- Sexual
- Psychological
- Emotional
- Financial
- Neglect

Taking place in any setting

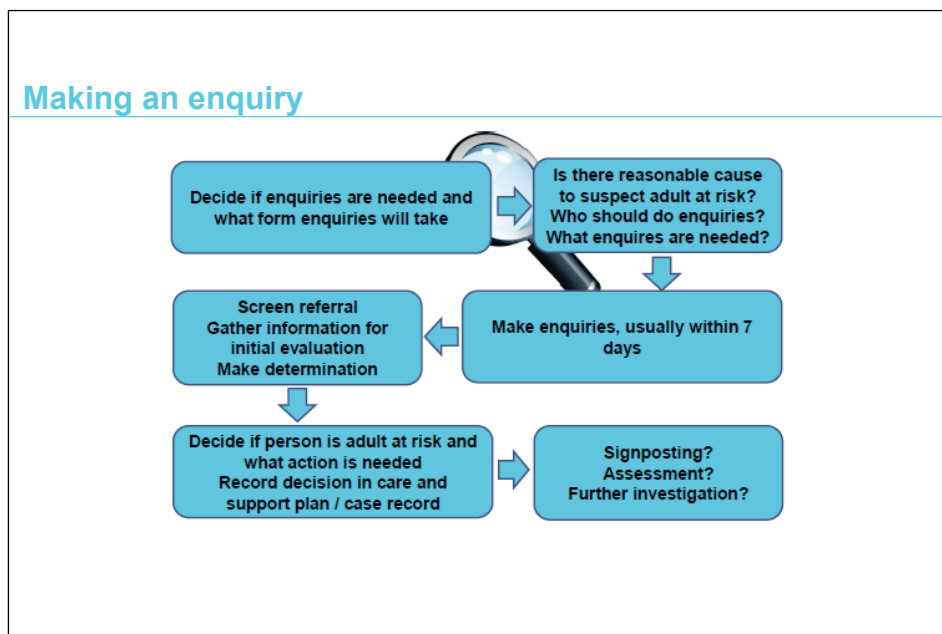
- Violent offences
- Sexual offences
- Property offences
- Hate crime
- Exploitation



9. The **new duty to report an adult at risk requires** relevant partners that have reasonable cause to suspect that a person is an adult at risk and appears to be

within the authority's area or within another local authority's area, to inform the local authority of that fact. Information must be shared in accordance with the 'Welsh Accord for the Sharing of Personal Information' (WASPI). This accord clarifies that organisations should share the minimum necessary information on a need-to-know basis with the person's consent, but can share without consent where there is a risk of abuse or serious harm to themselves, or others.

10. The **new duty for local authorities to make enquiries** applies if a local authority has reasonable cause to suspect that a person within its area (whether or not ordinarily resident there) is an adult at risk. The local authority must:
- Make (or cause to be made) whatever enquiries it thinks necessary to enable it to decide whether any action should be taken (whether under this Act or otherwise) and, if so, what and by whom.
  - Decide whether any such action should be taken.



11. Enquiries must start with the person's wishes, feelings, views and needs. However, practitioners should consider whether coercion or intimidation is being used to persuade the person to refuse to participate. Practitioners must also consider mental capacity and must consider advocacy. Enquiries end with a determination about what is needed next, which may be a formal investigation or

a criminal investigation or, where the adult is not at risk, signposting, information or assessment. The decision must be recorded in the care and support plan if there is one, or on the case record if not. Enquiries should be completed within seven working days of a local authority being notified.

12. The Act introduces **Adult Protection and Support Orders (APSO)**, where an Authorised Officer applies to a Justice of the Peace for an APSO to enable:

- The authorised officer and any one with them to speak in private with a person suspected of being an adult at risk.
- The authorised officer to ascertain whether that person is making decisions freely.
- The authorised officer to properly assess whether the person is an adult at risk and to make a decision about any action that should be taken.

### **Overview of Local Safeguarding Adults Boards**

13. The Act establishes Local Safeguarding Adults Boards across Wales. A range of statutory agencies are represented on Boards, including health, probation, the police and local authorities. Boards have two main roles: to prevent abuse, and to protect adults within its area who are experiencing, or are at risk of abuse and/or neglect. Regulations stipulate a Safeguarding Adults Board to cover the Cardiff and Vale of Glamorgan region.

14. Adult Safeguarding Boards (ASBs) have responsibility to review practice and to disseminate information on best practice and ensure that policies and procedures are relevant and fit for purpose. This includes learning from practice reviews and older serious case review findings, which can help local authorities and partner agencies to challenge practice and learn from each other.

15. ASBs should also ensure that service recipient participation is embedded into their work. In particular, Boards must publish a plan each financial year setting

out what they intend to do, and a report on progress and work achieved at the end of that year. They can also ask for, and be asked for, information from partner agencies.

16. Therefore, Boards have an overall responsibility for challenging relevant agencies to:

- Contribute to ensuring national policies / procedures are monitored and remain fit for purpose.
- Raise awareness regarding risk of abuse, neglect and other forms of harm
- Review efficacy of measures for each lead agency.
- Undertake practice reviews and audits and make and monitor any recommendations.
- Disseminate information on best practice, facilitate research into protection and review training needs.
- Co-operate with other boards and seek specialist advice or information when appropriate.

17. The Care Council For Wales' safeguarding training cite the following research recommendation to support boards to have good governance:

Research ([The governance of adult safeguarding: findings from research into Safeguarding Adults Boards, SCIE, 2011](#)) - recommendations to support boards to have good governance:

- Strong statements of strategic purpose and scope, with explicit multi-agency commitment
- Clear structures with explicit divisions of responsibility and robust coordinating mechanisms
- Explicit commitments on membership, in roles that are understood and agreed, including clarity on the authority of the Board in relation to member agencies
- Broad stakeholder involvement
- Clarity on the role and status of the chair, and Board rules of engagement, including resources
- Strategic leadership on a range of functions, including strategic planning, policy and procedural guidance for member agencies, performance monitoring and quality improvement
- Explicit involvement of people who use services and carers in the work of the Board, and standards for their empowerment in all safeguarding activity
- Clear internal standards for Board performance, and clear external accountability routes

## **Overview of National Independent Safeguarding Board**

18. The National Independent Safeguarding Board, established by the Act, has the following duties:

- To provide support and advice to Safeguarding Boards with a view to ensuring that they are effective.
- To report on the adequacy and effectiveness of arrangements to safeguard children and adults in Wales.
- To make recommendations to the Welsh Ministers as to how those arrangements could be improved.

19. The establishment of a National Board aims to ensure that safeguarding for children and adults in Wales is consistent, effective and accountable. Whilst members of local safeguarding boards are not accountable to the national board (they are accountable to their individual agencies), they do give an annual report to the National Board.

20. The Welsh Government appoints the members of the Board through a public appointment exercise. The members are:

- Dr Margaret Flynn (Chair) – undertook the reviews into Winterbourne View hospital in South Gloucestershire and Operation Jasmine review in Gwent.
- Keith Towler, the former Children’s Commissioner for Wales.
- Ruth Henke QC, an eminent lawyer in the protection of children and vulnerable adults.
- Simon Burch, a former director of social services at Monmouthshire Council.
- Jan Pickles OBE, Programme Director at the NSPCC.
- Rachel Shaw, designated nurse, safeguarding children at Public Health Wales.

## **Safeguarding Adults Regional Board Cardiff and The Vale of Glamorgan**

21. Regulations stipulate a Safeguarding Adults Board for the Cardiff and Vale of Glamorgan region. Attached at **Appendix B** is the draft '*Safeguarding Adults Regional Board Cardiff and The Vale of Glamorgan: Governance and Strategic Priorities 2017- 20*'. This paper sets out:

- Governance arrangements, including terms of reference and membership
- Board Priorities 2017-2020
- Financial information
- Action Plans 2017-2020.

The paper is draft and does not currently include adult safeguarding data or details of service user engagement.

22. The governance section highlights that the Board will establish four sub-groups, which are: Adult Practice Reviews; Training; Quality Assurance and Audit; and Communication and Engagement. It also states that there will be an Executive Group that will ensure that '*the priorities and duties of the Board ... are met and that the actions agreed and ratified by the Board in its business plan are implemented.*' The Board is chaired by Tony Young, Director of Social Services, Cardiff Council. The Board will meet six monthly and the Executive Group will meet at least quarterly.

23. The introduction to the paper states that the Board has held three workshops to develop the Board and agree the main priorities for the next three years. There is an Action Plan for each of the priorities, attached as appendices to the paper. The priorities are:

- Domiciliary Care and Nursing Homes
- Dementia.



## Performance Overview

24. Social Services has provided the following information with regard to referrals received, investigations undertaken and the outcome of the allegation as well as information on the type of abuse.

### Referrals

	2015-16	2016-17
Referrals received that met the threshold of significant harm/ proceeded to investigation	107	246
Referrals received that did not meet the threshold of significant harm	119	
Number of inappropriate referrals received	116	
<b>Total number of referrals received during the year</b>	<b>342</b>	<b>761</b>

### Type of POVA investigation

	2015-16	2016-17
Criminal	34	86
Non-Criminal	90	206
<b>Total</b>	<b>124</b>	<b>292</b>

### Outcome of Allegation

	2015-16
Allegation Withdrawn	5
Admitted	6
Proved	29
Disproved	39
Inconclusive	25
Likely on the balance of probability	6
Unlikely on the balance of probability	6
Other	8
<b>Total</b>	<b>124</b>

## Type of Abuse

	2015-16	2016-17
Physical	48	216
Sexual	11	45
Emotional/ Psychological	12	158
Financial	14	136
Neglect	60	243
Domestic	6	110
Racial	0	1
Domestic and Racial abuse	0	1

## Type of Abuse (taken from VA4 2015-16)

	Gender	18-64	65+	Total
<b>Emotional/ Psychological</b>	Male	3	4	<b>12</b>
	Female	3	2	
<b>Financial/ Material</b>	Male	1	3	<b>14</b>
	Female	2	8	
<b>Neglect</b>	Male	9	17	<b>60</b>
	Female	8	26	
<b>Physical</b>	Male	13	5	<b>48</b>
	Female	15	15	
<b>Sexual</b>	Male	3	0	<b>11</b>
	Female	7	1	
<b>Sub-total</b>	<b>Male</b>	<b>29</b>	<b>29</b>	<b>58</b>
	<b>Female</b>	<b>35</b>	<b>52</b>	<b>87</b>
<b>Total</b>		<b>64</b>	<b>81</b>	<b>145</b>

## Way Forward

25. At the meeting, the following members of the Safeguarding Adults Regional Board Cardiff and The Vale of Glamorgan will attend to contribute to the discussion and answer Members' questions:

- Superintendent Stephen Jones – South Wales Police.
- Sheila Harrison, Acting Deputy Executive Nurse Director, Cardiff & Vale University Health Board.

26. In addition, Linda Hugh–Jones (Head of Safeguarding, Cardiff & Vale University Health Board), will attend to assist in answering Members' questions. Simon Burch, the representative on the Safeguarding Adults Regional Board Cardiff and The Vale of Glamorgan from the National Independent Safeguarding Board, has also been invited to attend.

27. Councillor Susan Elsmore (Cabinet Member for Health, Housing and Wellbeing), may wish to make a statement. The following officers will attend to contribute to the discussion and answer Members' questions:

- Tony Young – Director of Social Services and Chair of Local Safeguarding Adults Board.
- Ifan Alam – Assistant Director of Children's Social Services and lead officer for safeguarding across Social Services.
- Alys Jones – Operational Manager – Safeguarding.

28. As part of the scoping exercise for this scrutiny, Members identified that they particularly wished to ask questions testing whether there are robust arrangements in place across key partners (particularly councils, the NHS and Police) to respond to concerns about abuse and neglect, including the following:

- how abuse is being prevented through good multi-agency work and assuring quality care;
- how well services work to improve outcomes for people who have experienced harm and abuse;
- how far care and protection plans are keeping people safe from abuse;
- how agencies are ensuring that people's human rights are respected;
- how agencies are involving people fully in decisions about their lives especially when they don't have capacity;
- how services uphold the right to justice for people who have experienced harm or abuse;
- How well services address what happens to the people who have harmed or abused others;

- Does the Local Safeguarding Adults Board have the resources, both financial and human, to undertake its role effectively and deliver its business plan?

29. Members particularly wished to explore the safeguarding mechanisms for personal assistants (Direct Payments), self-funded care arrangements and commissioned services. Members stated that they wished to understand referral thresholds and processes and how lessons are learned from serious case reviews and regulators.

30. Members aim to take a view on the following:

- Are services (health and social care and police responses particularly) in our area good enough to prevent neglect or abuse?
- Is the Local Safeguarding Adults Board effective in leading and holding individual agencies to account and ensuring effective multiagency working?
- Do services engage with people and can they demonstrate that they make a positive difference when concerns about abuse or neglect are raised?

### **Legal Implications**

31. The Scrutiny Committee is empowered to enquire, consider, review and recommend but not to make policy decisions. As the recommendations in this report are to consider and review matters there are no direct legal implications. However, legal implications may arise if and when the matters under review are implemented with or without any modifications. Any report with recommendations for decision that goes to Cabinet/Council will set out any legal implications arising from those recommendations. All decisions taken by or on behalf of the Council must (a) be within the legal powers of the Council; (b) comply with any procedural requirement imposed by law; (c) be within the powers of the body or person exercising powers on behalf of the Council; (d) be

undertaken in accordance with the procedural requirements imposed by the Council e.g. Scrutiny Procedure Rules; (e) be fully and properly informed; (f) be properly motivated; (g) be taken having regard to the Council's fiduciary duty to its taxpayers; and (h) be reasonable and proper in all the circumstances.

## **Financial Implications**

32. The Scrutiny Committee is empowered to enquire, consider, review and recommend but not to make policy decisions. As the recommendations in this report are to consider and review matters there are no direct financial implications at this stage in relation to any of the work programme. However, financial implications may arise if and when the matters under review are implemented with or without any modifications. Any report with recommendations for decision that goes to Cabinet/Council will set out any financial implications arising from those recommendations.

## **RECOMMENDATIONS**

The Committee is recommended to:

- I. Consider the information provided in the report, appendices and at the meeting
- II. Agree any comments and observations committee wishes to make to Cabinet.

**DAVINA FIORE**  
**Director of Governance and Legal Services**  
12 January 2017