

SAFEGUARDING ADULTS SCHEME FOR BATH & NORTH EAST SOMERSET COUNCIL'S RESPONSIBILITIES WITHIN THE HEALTH & WELLBEING PARTNERSHIP

1. National Policy Context

- 1.1 The fundamental principle of safeguarding is that people who use services have a right to live a life free from abuse, neglect and discrimination. This right is underpinned by the duty of public agencies under the Human Rights Act 1998 to intervene proportionately to protect the rights of citizens. These rights include Article 2: The right to life; Article 3: Freedom from torture (including humiliating and degrading treatment) and Article 9: Right to family life (one that sustains the individual).
- 1.2 Definition: Current thinking has moved away from the concept of a vulnerable adult and is replaced by the term "Safeguarding Adults". This phrase means all work which enables an adult "*who is or maybe eligible for community care services*" to retain independence, wellbeing and choice and to access their human right to live a life that is free from abuse and neglect. This definition specifically includes those people who are assessed as being able to purchase all or part of their community care services, as well as those who are eligible for community care services but whose need in relation to Safeguarding, is for access to mainstream services such as the Police. *Safeguarding Adults* procedures refer to the local area based multi-agency response which is made to every adult "*who is, or maybe eligible for community care services*". (National Health Service and Community Care Act 1990) and whose independence and wellbeing is at risk due to abuse or neglect.
- 1.3 The policy context derives from the Department of Health (2000) "No Secrets" guidance on developing and implementing multi-agency policies and procedures to protect vulnerable adults from abuse. Because "No Secrets" is policy guidance it does not have a legislative provision in the same way that Safeguarding Children has.
- 1.4 There is a national framework for Safeguarding Adults produced by the Association of Directors of Adult Social Services (2005), which identified 11 standards for good practice and outcomes in Adult Protection work and describes the key duties. The Commission for Social Care Inspection uses these standards as part of the inspection process for safeguarding adults.
- 1.5 As of March 09 the Department of Health has just finished a consultation about whether there is a need to review the "No Secrets" guidance in the light of personalisation in Social Care and developments in the criminal justice system. They anticipate publishing the results in the "summer 09". As part of that review consideration is being given to putting a legislative framework in place. In parallel, work has also been commissioned to review all the legislation relating to Adult Social Care. This is expected to report around 2012/13. The aim is to produce an all encompassing piece

of legislation for Adult Social Care akin to the Children Act. If it is decided that legislation is needed to underpin the safeguarding of vulnerable adults, this is where it is likely to appear.

2. **Local Authorities' Responsibilities**

- 2.1 Local Councils hold the lead responsibilities for establishing and co-ordinating the local inter-agency framework for Safeguarding Adults in accordance with the "No Secrets" guidance. Directors of Adult Social Services (DASS) have to ensure that the Local authority has " a clear organisational and operational focus on safeguarding adults in vulnerable situations".
- 2.2 The lead (but not sole) responsibility for investigating and/or co-ordinating investigations into suspected abuse, lies with the Council and is delivered through its social work services, either directly employed/managed or through an SLA.
- 2.3 The Council is responsible for ensuring that all employees working in Adult Social Care and in contact with or responsible for decision-making about potentially vulnerable adults has had a CRB check and that the results are brought to the attention of the employing line manager. This function is discharged on behalf of the Council by the HR service. Each employee should have a repeat CRB check at a minimum of 3 yearly intervals. Where a CRB reveals contra-indications to employment this should also be brought to the attention of the 'grandparent' manager.
- 2.4 The HR service will need to respond to and incorporate into this scheme the requirements of the emerging Independent Safeguarding Authority due to be established by end of 2009.

3. **Leadership & Governance**

- 3.1 Within Bath & North East Somerset management and organisation of social care is integrated with the Primary Care Trust and operates both as a commissioning body and delivery arm. The DASS is a commissioning role and leadership of safeguarding is by the DASS and therefore a commissioning function. Where delivery is carried out at "arm's length" or through a separate organisation, these will be required to have their own safeguarding arrangements.
- 3.2 The Statutory Director of Adult Social Services (DASS) is accountable to the Lead Executive Member, Cabinet and Council for the safe discharge of its responsibilities to ensure the safeguarding of vulnerable adults from its own services and its leadership of the Safeguarding Partnership.

The Safeguarding Adults Inter-Agency Partnership is the local framework for key statutory and third sector agencies to act collectively

to raise the profile of safeguarding within agencies and with the wider public. It oversees and develops local policy, practice and procedures across agencies and with the wider public and monitors quality and outcomes and commissions training. It has a collective reporting line to the Health & Wellbeing Partnership Board and on to the Local Strategic Partnership. Each individual agency is accountable for its performance on Safeguarding through its own governance arrangements and for raising awareness throughout its own organisation. The DASS is, therefore, accountable for raising awareness across the whole Council. The DASS needs to ensure that the Safeguarding Adults Inter-Agency Partnership has formal links with the local Safeguarding Children's Board.

- 3.3 Who: Performance in relation to adult safeguarding will form part of the regular performance reports taken to the Overview and Scrutiny Panel and Health & Wellbeing Board as part of the governance arrangements. In addition, the Safeguarding adults Inter-Agency Partnership annual report will be taken to the H&W Board and on to the Local Strategic Partnership. In the event of a serious case of abuse coming to light the DASS will commission/refer to the Safeguarding Partnership proposals to commission a serious case review if appropriate.

How: The Commissioners have responsibility for quality assurance, setting standards and performance management. The lead Director for Commissioning (reporting to the DASS) must ensure (through SLAs where the Council's social work functions are discharged through arm's length or separate organisations), that the Council's responsibilities for investigating and/or co-ordinating enquiries into suspected abuse are specified as essential priority functions. Specifications must include agreement to work to the agreed protocols (as at April 2008) and/or any future revision to the protocols and to participate in "lessons learned" procedures and serious case reviews if required.

- 3.4 Commissioning arrangements must ensure the Training Unit is contracted to give sufficient priority to safeguarding training and is able to contribute to/advise the Safeguarding partnership's training sub-group
- 3.5 Commissioners must also ensure through contracting arrangements, that all social care providers comply with the requirements of the Safeguarding Inter-Agency Partnership for their particular functions, proportionate to their organisational size.
- 3.6 Designated Senior Manager: The H&W Partnership is required to have a senior social work post in its commissioning structure, which will maintain a social work focus and in particular support the safeguarding agenda. Where social work functions are being delivered through arm's length or separate organisations each will be required through contractual or service level agreements to name a senior manager who is directly accountable to the CEO (or equivalent) of their own organisation for the delivery of its safeguarding responsibilities. The

CEO (or equivalent) will be accountable to the commissioner through performance management arrangements for the delivery of the Council's Safeguarding Adults function. The designated senior manager should also be directly accountable within their own organisation structure to the CEO (or equivalent) of their own organisation.

4. **Operational Arrangements**

4.1 **Practice arrangements:** There are agreed protocols for the management of individual referrals of alleged abuse that require the decision-making for "signing off" at key stages to be undertaken by a Team Manager or equivalent, who is usually the line manager of the social worker/investigating officer. Where the day-to-day line manager is not a qualified social worker, key decision-making (as defined by the protocols) must be counter-signed by a qualified and experienced (equivalent to a Team Manager) social worker. These protocols require that:-

- Allegations of abuse are reported to a Team manager who is responsible for making an initial risk assessment and calling a multi-agency strategy discussion which will agree the next steps including the coordination of the investigation process which clearly includes securing the immediate safety of the alleged victim where this is deemed necessary.
- The Team manager is responsible for calling a multi-agency case conference.
- To plan and review the investigation, coordinate a multi agency agreed plan, ensure the appointment of a case coordinator, and agree a protection plan and subsequent review process.
- The Team Manager is responsible for ensuring that minutes are taken, promptly distributed and the appropriate recording on Care First throughout the process.

4.2 Regular auditing of Team Manager Practice reporting into the "Designated Senior Manager" should take place monthly, using the agreed audit tool. This information should be available for performance management purposes when requested.

4.3 Formal links to Child Protection social work services must be established by all Adult social work services, whoever is responsible for delivering them.

4.4 **Training:** The Council through the Health & Wellbeing Partnership has a responsibility to ensure its staff are adequately trained to carry out the functions expected of them. For the majority of staff this will be through the join training unit. This should be available to all Council employed Adult Social Care staff wherever managed. More specialist staff may need to access external training as appropriate.

All members of staff should have an individual training record that can be accessed for assurance purposes.

- 4.5 Activity Reporting: All safeguarding activity will be entered onto “Care First” for statistical monitoring and collection and must conform to national guidance. Where an organisation carries out social work functions on the Council’s behalf and doesn’t have direct access to Care First, alternative arrangements must be in place to transfer the necessary information at a minimum of quarterly intervals for inputting. Any significant safeguarding incident must be reported to commissioners in a similar way to an NHS style “Serious Untoward Incident (SUI). These will also be brought to the attention of the DASS who will decide if a Serious Case Review may be warranted.
- 4.6 The HR service will be responsible for ensuring that all Council employed staff working with vulnerable adults have a personnel file that is up to date and includes the CRB response and at least 2 references obtained when offering employment. These must be securely stored (in accordance with regulatory requirements) and available to external inspectors (CQC) on request.
- 4.7 Quality Standards and Assurance: The Safeguarding Adults Partnership has established a quality assurance framework and the Health & Wellbeing Partnership will be a full participant and this will also be a requirement of any other organisation commissioned to undertake Social Work responsibilities on the Council’s behalf.
- 4.8 In addition the Health & Wellbeing Partnership will make arrangements for quality assuring the safeguarding functions through the following mechanisms:
- Performance management internally through supervision and performance review of commissioning staff and externally of organisations undertaking Council Adult Social Care functions.
 - Auditing of practice both internal and external.
 - Significant safeguarding incidents will be reported to Commissioners and a “lessons learned” procedure adopted.

5. Board and Corporate Assurance

- 5.1 Regular performance reporting through the mainstream system adopted by the H&W Partnership and onwards through governance arrangements including Overview and Scrutiny as required.
- 5.2 An annual Safeguarding report will be produced and reported through the mechanisms described above.

6. **Review Arrangements**

- 6.1 The Safeguarding scheme should be reviewed at least once every two years.
- 6.2 The current scheme should be considered following the DH response to the “No Secrets” consultation.
- 6.3 The protocol that underpins the scheme should be subject to review dates.

SAFEGUARDING SCHEME – APPENDIX 1

Relevant documents:

1. Terms of Reference (Safeguarding Partnership)
Terms of Reference (Training sub-group)
Terms of Reference (Policy & Practice)
2. Agreed procedures for the management of referrals & investigations
3. Annual report 2008

Designated Managers as at 1/4/09

DASS: Jane Ashman

Designated Senior Managers:-

H&W Commissioning Team – to be advised

Delivery Unit – Jo Gray

AWP - Mark Dean

Safeguarding Partnership Co-ordinator (H&W Partnership) - Shirley Ward