



<b>SCRUTINY: HEALTH AND SOCIAL CARE REVIEW GROUP</b>	<b>AGENDA ITEM 7</b>
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**DATE OF MEETING:** November 2014

**REPORT BY:** PATRICIA JENNINGS

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**SUBJECT:** Update on Safeguarding Adults in Luton

**PURPOSE** To update the Group on Safeguarding Adults in Luton during 2013/14.

**RECOMMENDATION:** To note the Report.

**REPORT :** The Care Act 2014 places Local Safeguarding Adults Boards (LSABs) on a primary legislative statutory footing. The Act includes new duties:

- All agencies to co-operate and to share information when requested by the Safeguarding Adults Board.
- Safeguarding Adult Boards to commission and publish safeguarding adult reviews where certain circumstances are met.
- Publication of Safeguarding Adult Board annual business plans and annual reports.
- The Act also encourages agencies to contribute alongside adult social care to the resourcing of Safeguarding Adult

**Safeguarding Developments and Changes in Luton during 2013/14:** The main developments and changes are summarised below.

**Hospital Discharges:** Although there continue to be alerts raised about the quality of hospital discharges these are decreasing in number, as is the severity of the issues raised. To put the numbers into context, there are an average of four alerts raised per

month relating to discharge against an average of 8000 discharges that take place. However work will continue to assure improvements in the discharge process are made.

**Pressure Damage:**

There is a county wide pressure ulcer group and an area team pressure ulcer group to improve pressure ulcers within the county. Providers of services are ensuring that appropriate training is in place, especially the grading of pressure ulcers and documentation regarding essence of care and body maps. This is an ongoing issue that is being monitored regularly by the Clinical Commissioning Group Quality team.

**Multi Agency Safeguarding Hub:** Bedfordshire Police is currently working towards the formation of a county wide Multi- Agency Safeguarding Hub (MASH). Whilst primarily aimed at child protection it is envisaged that that as it matures there will be a place for Safeguarding Adults referrals which will enhance our partnership working.

**Involving people in development of safeguarding services**

The Mental Health Provider South Essex Partnership Trust has developed a Safeguarding Questionnaire for those subject to investigation. Feedback is reported regularly and influences the process of engaging service users, their families and advocates. Two 'Lets Talk' Service User and public events have been held in Bedfordshire this year.

**Making Safeguarding Personal:** Luton Borough Council took part in the Making Safeguarding Personal Project at Bronze Level. The main outcome of this project was to ensure that the Safeguarding Adults Team empowered the person at risk of abuse, or their relatives or carers where the person lacked capacity, to make decisions about what they wanted to happen. Safeguarding Adults recording was changed to reflect these wishes and to measure risks both at the start of the safeguarding intervention and at the end. The Council is now taking part in the second phase of the project and will consolidate its Bronze level position and is aiming to meet Silver level by 2015/16. Making Safeguarding Personal is about ensuring that the person is central to the safeguarding adults' process and their wishes and outcomes are met. Luton Borough Council is working with partner agencies to ensure that this principle is embedded into all responses.

**Community Safety Partnership (CSP):** The past year has been a period of significant change and challenge for the CSP as a result of both national and local developments. Locally, restructuring within the responsible authorities has had an impact on the CSP, resulting in reductions and changes to staffing across the Police, Local Authority and Fire Service. Transforming Rehabilitation; the government's programme to overhaul probation services, will also prompt changes within the Partnership. The proposals, which see Probation Trusts' responsibilities split between a small national public sector service (providing risk assessment and managing high risk offenders), and regional services operated by the private, voluntary and community sector (managing low to medium risk offenders) are to be implemented by autumn 2014. While there will clearly be an on-going role for the new providers of probation services within the Partnership, it is anticipated that this is likely to occur within the context of reduced resources and wider geographical responsibilities.

**Working towards implementation of the Care Act 2014:** The Care Act introduces major reforms to the legal framework for adult care and support in England. The Act introduces reforms to the duties of local authorities; to the rights of those in need of care and support; and to the funding system for care and support. These changes will impact on the way councils do business and the roles of their workforce. They will also have an impact on care providers and user organisations and their roles in the delivery of care, and the expectations and duties placed on them by the new legislation. Implementation will also have implications for the adult social care workforce in England. In Luton work has begun in preparing for the changes required by the Act. There is a Safeguarding Adults work stream which has involvement of all strategic partners. The group is working on the development of a Memorandum of Understanding for the Luton Safeguarding Adults Board; an information sharing protocol and ensuring that Making Safeguarding Personal is embedded in practice and protocol.

**Learning and Development:** The Luton Borough Council safeguarding training programme devised for 2013\2014 was commissioned following a Workforce Needs Analysis, where staff across the Council and private, voluntary and Independent (PVI) identified the needs of the current workforce. The programme developed encompassed a cross section of training for staff within Adult Social Care (ASC) ranging from basic awareness, reporting and responding to safeguarding alerts, investigation knowledge and skills, chairing strategy and recording strategy meetings. Practice development sessions have been organised for staff where learning from cases can be shared to aid service improvement. Also multi agency sessions which focus on learning from serious case reviews are planned. These sessions will concentrate on what has changed within agencies for adults who may be at risk of abuse.

**Deprivation of Liberty Safeguards (DOLS) :** DOLS will have major implications for care providers ( Managing Authorities) in determining whether there is a deprivation of liberty occurring and whether or not a Deprivation of Liberty Safeguard Authorisation is required. It also has the potential to have major resource implication on the Local Authority which is the Supervisory Body for all applications made for its residents as described above.

DOLS applications have a legal timeframe that must be adhered to - Urgent Authorisations must be completed within 7 days and Standard Authorisations must be completed within 28 days otherwise the Managing Authority will be acting illegally. If the Supervisory Body does not complete it's duties within the legal timeframe it could be legally challenged by the Managing Authority and by the person's representative.

Best Interest Assessments are commissioned by the Local Authority and can cost in the region of between £250 and £600 per assessment plus expenses. Currently there is a shortage of Best Interest Assessors (BIAs) that local authorities can employ directly as many have set up as independents and can micro commission with local authorities . Nationally, reports are that there are not enough qualified BIAs' to meet demand. Some authorities are planning to tackle the problem by training every social worker with adults as a BIA or creating a dedicated BIA team. In the meantime freelance BIAs' are getting

a large amount of work. In Luton we have managed to employ 1.5 Best Interest Assessors and are seeking to employ another 1.5; however this is proving difficult as independent BIAS' can earn in the region of £250 - £600 per assessment.

In Luton the number of DOLS applications has risen in 2014/15 from 29 in the whole of 2013/14 to 176 during the period April – October 2014. This increase in applications will continue until (and if) the law changes. Based on the first quarter and the number of people living in care homes with dementia, we estimate that 365 Best Interest assessments will be required this year and 387 in 2015.<sup>16</sup> Nationally a similar picture has arisen and the association of Directors of adult Social Services has estimated that there will be over 100,000 more referrals for deprivation of liberty cases this year as a result of the ruling.

Additionally there are 30 people living in supported living accommodation. Some of these people will require a Court of Protection Order under the new “acid test” as they are receiving 24 hour care which includes 2-1 support or 1-1 support and would be prevented from leaving if they tried.

**Implications of DOLS:** DOLS will have major implications for care providers in determining whether there is a deprivation of liberty and whether or not a Deprivation of Liberty Safeguard Authorisation is required.

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Taking an approx figure of 365 DoLS requests for 2014/15 costs are as follows:

Sec 12 doctors -  $£175 \times 365 = £63875$

BIAs' -  $£375 \times 900 = £112500$

Application to Court of protection:  $30 \times £5000 = £150000$

Total = £326,375 this is without expenses or costs for Sec 39d IMCAs)

There are 30 people with learning disabilities living in supported living accommodation. Some of these individuals will require a Court of Protection Order as they are receiving 24 hours care which includes 2-1 support or 1-1 support and would be prevented from leaving if they tried. Application to the Court of Protection (CoP) will be required for these people who may be being illegally detained– this will have a cost implication to the Local Authority who will have to pay the Court fees.

Current Court Fees are approx £5000 per application:

There are additional costs for renewals when the CoP Order expires. There are a number of people with learning disabilities placed in out of borough registered care to whom this ruling will also apply. The ordinary residency rules mean that Luton Borough Council is responsible for making these DOLS applications.

**Safeguarding Adult Activity during 2013/14:** The Luton Borough Council Safeguarding Adult Team is the single point of contact for all alerts in the borough. Since the team's inception in July 2012, the number of safeguarding alerts it receives has increased significantly. The numbers of alerts shows a year on year increase. Based on previous published information for 2012-13 and measured per 100,000 population,

Luton's alerts and referrals are high compared to other councils. There are a number of explanations as to why this is the case - increased awareness of safeguarding adults leading to more alerts being made; a large number of which are inappropriate and are about matters that could be dealt with via other responses such as using provider complaint procedures or care management. In some of these cases the safeguarding team will stay involved to ensure outcomes for the adult at risk are met. However approximately 30% of Alerts received did not require any further action from the Safeguarding Team. Work is underway to review how alerts that are not safeguarding matters can be dealt with in a way that is appropriate and proportionate and a report will be taken to the Safeguarding Operations Board in November 2014.

In 2013-14 Luton received 1,623 alerts. Of these 574 were screened as referrals compared to 1,113 alerts and 545 referrals in 2012/13. The 2014/15 figures to date, show a projected outturn of 2400 alerts with 967 being screened as referrals. (Taking 40.3% as the expected number of referrals as last year)

During 2013/14 Neglect and Acts of omission was the most frequently reported type of abuse. The person's own home was the most frequently reported location of where the abuse is alleged to have taken place. Data shows that the alleged abuser was the most frequently known to the person at risk.

64% of the safeguarding referrals made during 2013-14 were about possible abuse of women and 36% concerned men. Women are also more common in the care management caseload<sup>1</sup>, making up 65% of over 65 year olds.

In 2013-14, 35% of referrals concerned adults 18-64 and 65% concerned people over 65. This is a similar pattern to the previous year in which 33% of referrals concerned adults 18-64 and 67% concerned people over 65.

In 2013-14, 10% of referrals concerned people 65-74 and 27% concerned people 75-84; (28% concerned people aged 85 and over.

**Outcomes of safeguarding investigations:** A high percentage of cases resulted in no further action under safeguarding, but this will impact on the frequency of reviews and how risk is managed through community care packages.

**Conclusions of safeguarding investigations' during 2013/14:** 17.9% of the cases that were investigated were fully substantiated, a further 10.6% partly with 9.7% being stopped at the request of the individual who was at risk of abuse.

**Business Planning for Luton Safeguarding Adults Board:** The Board has had a business planning event to ensure a Strategy and Business Plan is in place for 2015-16. This will be presented for approval at the next Board meeting in December 2014.

## **APPENDIX:**

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[Hyperlink to the Luton Multi Agency Safeguarding Adults Report 2013/14](#)