

Report to: Partnerships Scrutiny Committee

Date of Meeting: 26 November 2015

Lead Member / Officer: Lead Member for Social Care Adults and Children's Service/
Head of Community Support Services

Report Author: Service Manager: Specialist Services/POVA Co-ordinator

Title: Annual Report on Adult Protection 2014/15

1. What is the report about?

This report constitutes the annual performance report for Adult Protection in compliance with statutory guidance and provides an overview of the impact of local safeguarding and adult protection arrangements and practice.

2. What is the reason for making this report?

To provide Members with an overview of the impact of local safeguarding and adult protection arrangements and practice. To review progress in this key area of work over the last twelve months. To refer to data which reflects figures submitted by the Local Authority on an annual basis to the Welsh Government Data Unit.

3. What are the Recommendations?

That Members receive and comment on the report and acknowledge the important nature of a corporate approach to Adult Protection and the responsibility of the Council to view this as a key priority area and to place it alongside the commitment and significance given by Denbighshire to Child Protection.

4. Report details

4.1 The current key policy document in relation to Adult Protection for Denbighshire is the Wales Interim Policy and Procedure for the Protection of Vulnerable Adults, which informs practice when responding to alleged or confirmed abuse of 'vulnerable adults'. This policy was drafted from 'In Safe Hands' guidance and was revised in January 2013 to ensure that the document is relevant and in line with legislative changes since its first conception in November 2010. (Part 7 of the Social Services and Well-being (Wales) Act 2014 relates to safeguarding, and its implementation in April 2016 will lead to revised policies and procedures via Welsh Government and the Association of Directors of Social Services.)

4.2 'In Safe Hands' states that local authorities have the responsibility for taking the lead role in protecting vulnerable adults. This does not diminish the role of partner agencies who will still continue to have their respective responsibilities to respond to suspicions, allegations or incidents of abuse as described in these procedures and, where appropriate, to arrange support and / or care for the most vulnerable people in the community. Partnership working is essential for the protection of vulnerable adults.

4.3 A vulnerable adult is a person over 18 years of age who 'is or may be in need of community care services by reason of mental or other disability, age or illness and who is or may be unable to take care of him or herself, or unable to protect him or herself against significant harm or serious exploitation'.

- 4.4 Abuse is defined as a 'violation of an individual's human and civil rights by any other person or persons'. (these definitions change under Part 7 of the SSWB Act 2014).
- 4.5 Adult Protection Activity in Denbighshire 2014 – 2015

Year	Referrals received and investigated
2012 - 2013	280
2013 - 2014	298
2014 - 2015	354

See Appendix 1 for breakdown of POVA data 2014 – 15

- 4.6 There is only one national performance indicator relating to Adult Protection: the number of cases where the risk has been managed or removed. We continue to believe that this is an important target as it demonstrates how Denbighshire as a whole safeguards the most vulnerable within the community. In 2014-15 we have maintained the 100% outcome where the risk has been removed or reduced/managed with Individual Adult Protection plans.
- 4.7 The Social Services and Well-being (Wales) Act 2014 will put Adult Protection on a statutory footing for the first time and includes the development of the National Independent Safeguarding Board and the appointment of the Expert Panel.
- 4.8 North Wales has adopted a two tier approach to the oversight of safeguarding adults at risk of harm that mirrors the regional approach to safeguarding children. Denbighshire and Conwy have a combined Local Delivery group which reports to a Regional Adult Safeguarding Board.
- 4.9 New guidance was published last December to replace the arrangements for Serious Case Reviews as recorded within the interim policy and procedures. This new model draws on current Child Practice Reviews but has been amended /adapted for Adults. The final guidance for Adult Practice Reviews is now awaited.
- 4.10 The deprivation of liberty safeguards provide legal protection for those vulnerable people who are, or may become, deprived of their liberty within the meaning of Article 5 of the European Convention on Human Rights in a hospital or care home.
- 4.11 A Supreme Court Judgement on 19/3/14 revised the test in relation to a deprivation of liberty for the purposes of Article 5 of the European Convention on Human Rights. This judgement sparked a considerable increase in DoLS activity nationally. In Denbighshire we received 214 requests for a Standard Authorisation during 2014 – 15, with a total of 40 authorisations being granted. An average of 15 annual applications were received in previous years.
- 4.12 A consultation on Mental Capacity and Deprivation of Liberty led by the Law Commission concluded at the beginning of November 2015. A report based on the consultation is expected next year with recommendations for reform
- 4.13 In response to the considerable increase in workload, the following actions have been taken:

- 13 practitioners have successfully completed the required best interest assessor training in order to increase the pool of staff available.
- A dedicated administrative post (18.5.hours) has been allocated from within existing resources.
- A new senior practitioner post with a lead on DoLS is to be appointed to support the future management of the DoLS process

4.14 The following are the main areas of pressure:

- Volume of work and keeping to timescales
- Cost of section 12 doctors (each assessment costs £174)
- Complying with the judgement in relation to individuals living in the community, where an application to the Court of Protection is required. There is an additional cost in these cases also.

4.15 The current safeguarding model was launched in June 2013 with locality team managers and senior practitioners undertaking the Designated Lead Manager Role alongside the POVA co-ordinator. The new model has not been without its challenges as some staff have struggled to adapt to the new role and this has been highlighted by CSSIW in the 2014/15 Annual Report.

Issue	Action
Timeliness and lack of consistency in the safeguarding process	<ul style="list-style-type: none"> • Safeguarding Training for Designated Lead Managers has been provided. • Revised SPoA processes has enabled more effective and robust screening of POVA referrals. • A new post of Safeguarding Team manager has been developed to provide additional professional support to Designated Lead Managers and improve the whole process. • A Peer Review has been undertaken with Conwy to ensure that we have an external view of our processes and this is being monitored through the Local Safeguarding Adults Delivery group that includes all relevant partners including Health and the Police.
Relevant agencies were not always being engaged especially in early strategy discussions	<ul style="list-style-type: none"> • The Police have praised Denbighshire for our practice in ensuring that they are involved in every POVA referral and have adopted our procedure across North Wales. • Discussions have taken place with BCU regarding any concerns they have and they have been unable to identify any cases where there are concerns. However, we have developed processes to ensure that they are clear on their communication routes with ourselves.
Lack of confidence of the designated lead managers	<ul style="list-style-type: none"> • Safeguarding training for Designated Lead Managers has taken place and specific training on managing the Strategy Meetings has been commissioned.
Clarity around the council's threshold for accepting or rejecting PoVA referrals is also needed	<ul style="list-style-type: none"> • We have adopted a national threshold tool for POVA referrals that has successfully been used in other Wales Local Authorities. This is ensuring consistency in decisions making about threshold for investigation.

- 4.16 The Protection of Vulnerable Adults in Wales, 2013-14 report summarises the key findings from the Protection of Vulnerable Adults data collection for period 1 April to 31 March 2014. This is the second annual data collection using revised guidance and replaces the statistics previously published in the Care and Social Services Inspectorate Wales (CSSIW) adult protection monitoring report.

Key national results:

- The reported number of completed referrals increased by 18% between 2012-13 and 2013-14.
- Neglect and physical abuse were the most common type of abuse reported, occurring in 31% and 27% respectively.
- 63% of completed referrals were for women and 66% were for people aged 65 and over.
- 34% of victims who alleged abuse lived in their own homes.
- Staff were most likely to be alleged responsible for abuse in 2013-14 (56% of referrals) followed by relatives (23%).

5. How does the decision contribute to the Corporate Priorities?

The Protection of Vulnerable Adults arrangements contribute directly to the corporate priority to protect vulnerable people and enable them to remain living independently.

6. What will it cost and how will it affect other services?

The increased activity in relation to Deprivation of Liberty Safeguards is likely to create a budget pressure. This is being closely monitored.

7. What are the main conclusions of the Equality Impact Assessment (EqIA) undertaken on the decision? The completed EqIA template should be attached as an appendix to the report

An Equality Impact Assessment is not required as this report makes no changes to policy.

8. What consultations have been carried out with Scrutiny and others?

Not applicable

9. Chief Finance Officer Statement

The cost implications will be kept under review and considered as part of the ongoing budget process.

10. What risks are there and is there anything we can do to reduce them?

The model of delivery which shares the role and responsibilities of the Designated Lead Manager with team managers and senior practitioners presents a challenge to ensure a consistency of approach and quality in dealing with safeguarding referrals. The development of a senior practitioner post – DoLS lead as well as a Safeguarding Team Manager post ensures a more robust overview of the whole safeguarding process.

11. Power to make the Decision

Scrutiny's powers with respect to this matter are set out in Section 21 of the Local Government Act 2000 and article 6.3.2(a) and 6.3.4(b) of the Council's Constitution.