

MANAGEMENT RESPONSIBILITIES FOR SAFEGUARDING ADULTS
CAMBRIDGE AND PETERBOROUGH SAFEGUARDING ADULTS BOARD
CAMBRIDGE MANAGEMENT DEVELOPMENT CENTRE 12TH-13TH FEBRUARY 2019

Christine Jones from Cambridgeshire County Council gave a short briefing to the Citizens' Senate on Safeguarding Adults at our quarterly meeting on 18th October 2018. Subsequently the Cambridge & Peterborough Safeguarding Adults Policy underwent a major revision and Christine requested that a member of our senate attend the full 2-day training course on Safeguarding Adults.

I volunteered to attend as I had been responsible for Safeguarding Children for 8 years while I was a school governor and subsequently took on the responsibility for Safeguarding Young Carers and Vulnerable Adults in my role as a trustee of the Essex charity Action for Family Carers.

The course was set at a fairly high level with representation from social workers and those managers responsible for safeguarding adults in care homes. I have attempted to focus on principles as the course involved role play in safeguarding scenarios.

LEGISLATIVE BACKGROUND

Safeguarding is defined as "Protecting an Adult's Right to Live in Safety, Free from abuse or neglect"

We all have a legal responsibility to report a crime under the Crime and Disorder Act 1998.

"Professional Curiosity" should make us look for a plausible explanation of a concern.

The Sexual Assault Referral Centre (SARC) will keep evidence safe even if the assaulted client does not want it to be followed up.

The new guidance on safeguarding is enshrined in the "Caldicott Principles and Judgement". Lord Justice Munby asked "What good is it making someone safer if it merely makes them miserable?".

The "Serious Crime Act 2015" bans "Coercion to Commit Crime" i.e. actions described colloquially as "County Lines".

The adult's privacy is protected by the European Human Rights Act. The General Data Protection Regulations (GDPR) require that you have Data Protection Implied Consent (DPIA) before using the data on the victim. Information will only be shared with the person's consent and where there is an overriding justification. You can only share information with Social Services if they indicate that it is an enquiry under Investigation into Safeguarding Adults under section 42 of the Care Act 2014.

We have a duty to provide Safeguarding and Protection under sections 14 and 158 of the Care Act 2014
We have a duty of Candour (quality of being open and honest) under section 81 of the Care Act 2014
Section 142 states the safeguarding duties apply to an adult who is At Risk (not just old).

Domestic Abuse is covered by Domestic Abuse, Stalking and Harassment (DASH) as supported by the Cambridgeshire and Peterborough Domestic Abuse and Sexual Violence Partnership (DASV).

A Multi-Agency Safeguarding Hub (MASH) investigation may then be initiated. If you score more than 14 points on the risk assessment, then MASH should be used to develop a MARAC.

Multi-Agency Risk Assessment Conference (MARAC) is a meeting where information is shared on the highest risk domestic abuse cases.

Multi-Agency Public Protection Arrangement (MAPPA) should be utilized for protecting the public from serious harm by sexual and violent offenders.

Organizations should publish a whistle blowing procedure that can be used by staff and volunteers should they wish to raise concerns about colleagues and/or their managers. The Public Concern at Work (PCaW) service can provide free legal advice about whistle blowing without asking for contact details.

There is a legal reason to protect a person without capacity from harm. Local authorities must arrange for independent advocacy when it is needed. The advocate's role is to facilitate the person's involvement. The Deprivation of Liberty Safeguards (DoLS) are an amendment to the Mental Capacity Act 2005. DoLS ensures people who cannot consent to their care arrangement are protected if those arrangements deprive them of their liberty. Arrangements are assessed to check that they are necessary and, in the person's, best interests. These used to apply just in a care home or hospital settings but a recent Supreme Court ruling stated that they apply anywhere.

SAFEGUARDING PROCESS

This Safeguarding Vulnerable Groups Act 2006 (SVGA) was passed to help avoid harm, or risk of harm, by preventing people who are deemed unsuitable to work with children and vulnerable adults from gaining access to them through their work. The Independent Safeguarding Authority was established as a result of this Act but on 1 December 2012 the Criminal Records Bureau and Independent Safeguarding Authority merged to become the Disclosure and Barring Service (DBS). Checks can be:

A basic check, which shows unspent convictions and conditional cautions

A standard check, which shows spent and unspent convictions, cautions, reprimands and final warnings

An enhanced check, which shows the same as a standard check plus any information held by local police that's considered relevant to the role

An enhanced check with barred lists, which shows the same as an enhanced check plus whether the applicant is on the list of people barred from working or is attempting to work with children or vulnerable adults or at a Regulated Activity Provider. In these cases, the Children's Barred List and Adults Barred List would also be reviewed.

If a person commits an offence after getting a satisfactory DBS clearance, there is no feedback from the courts to the DBS system which would trigger an alert. If an offence is one of 800 covering sexual/abuse?? that would never be removed from the DBS barred list.

Vulnerable Adults are now described as Adults with Care and Support Needs i.e.

Has needs for Care and Support

Is experiencing or at risk of abuse or neglect

As a result of these care needs is unable to protect themselves from either risk of or the experience of abuse and neglect

Safeguarding Principles within the Care Act 2014 are:

Empowerment

Protection
Prevention
Proportionate Responses
Partnership
Accountability

The Care Act Advocacy Guidance requires the consideration of, is the action appropriate? A professional has no right to report a concern without first informing the adult affected and getting their approval to taking the action.

The victim must voluntarily have agreed to action and be capable of making that decision. The initiator should not be someone paid i.e. as a carer or as personally implicated in the neglect and abuse.

The adult has to be consulted about how to best respond to the Safeguarding situation and also what the person wants as outcomes from the safeguarding process. The life of the person experiencing abuse should be disrupted as little as possible, unless they request otherwise. However, an individual's wishes cannot undermine an organisation's legal duty to act.

The least intrusive response to the situation should be implemented which is proportionate and appropriate to the risk presented and the degree of vulnerability

Where a person chooses to live with a risk of abuse, the safeguarding plan must, with the adult's consent, include access to services that help minimize the risk

Exceptions to this new policy are permitted where:

Other adults are also at risk
Children may also be at risk
If you suspect a serious crime has been committed
Staff of the establishment are involved
Coercion is involved

Police Investigations take precedence over all other investigations. Photographing of injuries is the responsibility of the police except perhaps where marks might be expected to fade before they can be recorded.

Safeguarding must be made personal by ensuring safeguarding is done **with the person and not to the person** concerned in an attempt to make a proportionate response.

After diagnosing a Safeguarding Alert, you should then carry out a risk assessment to determine if you need to phone 999 before talking to your safeguarding manager.

Record the person's own words using TED questions (T=Tell me, E=Explain to me, D=Describe to me)
Ask what the person would like to see happen.

Take your recorded data back to your office and fill in a formal report including non-verbal clues i.e. body language and any indications of abuse.

Records must be stored for 7 years.

An Evidence Review should decide if it is an accurate or true based on a “balance of probability” rather than the police requirement of “beyond reasonable doubt”.

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East of England Citizens’ Senate

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