

# HOUSING CABINET MEMBER MEETING

## Agenda Item 93

Brighton & Hove City Council

<b>Subject:</b>	<b>Keeping People with Learning Disabilities Safe - Safeguarding Report Quarters 1-3 09/10</b>		
<b>Date of Meeting:</b>	<b>3<sup>rd</sup> March 2010</b>		
<b>Report of:</b>	<b>Director of Housing, Culture and Enterprise &amp; Interim Director Adult Social Care &amp; Health</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>Naomi Cox</b>	<b>Tel:</b> 29-5550
	<b>E-mail:</b>	<a href="mailto:naomi.cox@brighton-hove.gov.uk">naomi.cox@brighton-hove.gov.uk</a>	
<b>Key Decision:</b>	No		
<b>Wards Affected:</b>	All		

### FOR GENERAL RELEASE

#### 1. SUMMARY AND POLICY CONTEXT:

- 1.1 As agreed by the Cabinet Member Housing in November 2009 a report on keeping people with learning disabilities safe (safeguarding) will be presented quarterly to the Housing Cabinet Member Meeting.
- 1.2 The report will outline key issues and current and future action to ensure we are safeguarding people with learning disabilities in the city.

#### 2. RECOMMENDATIONS:

- 2.1 (1) That the lead member notes the content of the Quarters 1 -3 09/10 Safeguarding Report for people with Learning Disabilities.

### 3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

3.1 “Valuing People Now: a new three-year strategy for people with learning disabilities” (2009) sets out how the issues and recommendations from the Cornwall, Sutton and Merton Investigations and a life Like any Other should be implemented, as well as addressing the aspects of Valuing People that were not achieved. “Chapter 4: People as Citizens”, specifically sets out how services should work together to keep people safe in the community and at home. VPN states that people with learning disabilities will be consulted with as part of the Departments of Health’s (DH) review of “No Secrets”<sup>1</sup>, the joint publication by the DH and Home Office in 2000 upon which the current Multi-Agency Policy and Procedures for Safeguarding Vulnerable Adults are based. The DH will publish revised No Secrets guidance following extensive consultation.

3.2 The Sussex-wide Multi-Agency Safeguarding Policy and Procedures, produced by the Safeguarding Boards of Brighton and Hove, East Sussex and West Sussex were published and implemented in June 2007, and is the current safeguarding framework within which Safeguarding Investigations and activity operates. It builds upon and extends the previous Brighton and Hove and East Sussex Procedures to become Sussex-wide and includes the recommendations from “Safeguarding Adults” a National Framework document for safeguarding vulnerable adults, produced in October 2005 by the Association of Directors of Social Services, with the DH and Association of Chief Police Officers.

3.3 These procedures represent a continued commitment to ensuring the vulnerable adults can live in their communities in greater safety and are the local codes of safeguarding practice across the whole of Sussex, endorsed by a wide range of statutory and voluntary organisations. These agencies have agreed to co-operate on all aspects of work with vulnerable adults where abuse has been alleged. It is noted that the Director of Adult Social Care and Housing chairs the multi-agency Safeguarding Adults Board. The Board meets quarterly with all key agencies represented to take a strategic overview of the Safeguarding work being undertaken in the city. This includes the Safeguarding of Adults with Learning Disabilities.

3.4 The current Framework for Investigations has four “levels” of investigation, intended to assist practitioners in deciding the most appropriate level of response to an initial safeguarding referral or alert, and to help promote consistent decision-making. They are summarised as follows:

- **Level 1 Investigations:** “One-off” isolated incident that has not adversely affected the physical, psychological or emotional well-being of the vulnerable adult. Interventions are supervised by an Investigating Manager but carried out by service providers.

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<sup>1</sup> Safeguarding Adults: A Consultation on the Review of the “No Secrets” Guidance, DH, 2008

- **Level 2 Investigations:** The physical, psychological or emotional well-being of the vulnerable adult may be adversely affected and the concerns reflect difficulties and tensions in the way current services are provided to the vulnerable adult. Intervention by the Investigation Team to re-assess or review the needs of the vulnerable adult within the context of the presenting concerns.
- **Level 3 Investigations:** The physical, psychological or emotional well-being of the vulnerable adult has been adversely affected and a criminal offence may have been committed. Intervention is through a formal safeguarding enquiry or Investigation by the Investigating Team.
- **Level 4 Investigations:** Where institutional abuse is alleged to have happened and a number of vulnerable adults may have been adversely affected. Criminal offences may have been committed and multiple breaches of regulations may have occurred. Intervention is through a complex Multi-agency safeguarding investigation.

3.5 The Care Management and Assessment Team within the Community Learning Disability Team (CLDT) in Brighton and Hove holds responsibility for Safeguarding for adults with learning disabilities. The team comprises around 17 staff of Care Managers, Social Workers and Senior Social Workers who are appropriately qualified and trained in the procedures. Care Managers investigate level 2 alerts via a review and Social Workers undertake level 3 investigations. Level 4 investigations are undertaken by Senior Social Workers and Managers.

3.6 Where appropriate for level 3 and 4 investigations, where there may have been a criminal act committed, such as forms of assault, theft etc, CLDT works in partnership with Sussex Police, who attend strategy meetings and would often initially lead an investigation in its early stages, until a criminal offence has been ruled out. The Safeguarding Investigating Officers continue to develop their working relationship with the Police and attend “Achieving Best evidence Training” (ABE) with the Police in order to be able to interview vulnerable adults appropriately with the required amount of support for the alleged victim.

3.7 The team have implemented the Multi-Agency procedures robustly within CLDT and safeguarding work currently accounts for around 35% of the total activity within the team. Safeguarding activity is recorded both in Carefirst, the electronic social care recording system used by the local authority and on a database designed within the team, to give a more detailed breakdown of safeguarding activity. The safeguarding activity for Quarters 1-3 09/10 is attached to this report as **APPENDIX 1** and provides a breakdown of alerts, levels of investigation and whether or not the allegations were substantiated or not.

3.8 It is noted that Brighton & Hove is to have a Care Quality Commission Inspection during 2010/11 and it is expected that safeguarding across all adult client groups will be part of the remit of that Inspection.

### **3.9 Activity Analysis:**

#### **3.9.1 Alerts:**

- 2006-07- there were 93 Safeguarding alerts
- 2007-08-there were 187 Safeguarding alerts-over 100% increase
- 2008-09-there were 193 Safeguarding alerts-3% increase
- 2009-10- at Quarter 3 there were 195 Safeguarding alerts -8% increase  
(*Figures 1&2*)

There is another significant increase in reporting from 2008-09 to 2009-10. We are predicting an end year increase in the region of 35%. This years increase was not expected to be as high, however it should be noted that whilst this is reflective of an increase in the reporting of Safeguarding Alerts which is in most cases a positive indicator, the number of subsequent investigations has fallen slightly from the 2008/9 year. All Safeguarding Alerts are vetted by a senior social worker to ensure that the reported issue requires a formal Safeguarding intervention. The absence of a formal investigation implies only that the reported issue does not require a formal Safeguarding response.

**3.9.2 Types of Abuse:** The most significant alerted and investigated remains physical abuse, accounting for 108 alerts. Much of this is due to low level client contact. Reporting this type of abuse continues to increase due to the on-going good practice development in services and provides opportunity for service to continue to minimise the risk of further incidents. It should be noted that one alert may signify more than one type of abuse so numbers of types of abuse often exceed total alerts recorded for a year.

Reporting of Financial/material abuse has decreased from 42, 08-09 to 27 09/10. There is potential risk for clients and the authority in the management of Personal Budgets through Self Directed Support. Systems are in place to monitor spending and this system remains under review in Adult Social Care. We are in the process of investigating one incident where it appears there has been inappropriate use of a Personal Budget. (*Figures 3,4 & 5*)

**3.9.3 Response Levels:** The link between the majority of alerts being physical abuse and being investigated at level 1 continues from pervious years (79 at level 1), these comprise of low level incidents within provider services, mainly in accommodation services and day services, involving user-to-user incidents. We continue to receive this as a positive indicator of the good level of awareness in provider services within the city of the need to alert the assessment team when abuse may be happening, even if it is relatively low level and the vulnerable adults has not come to significant harm. This level of monitoring has allowed the team to become more sophisticated in how it addresses these "low level" incidents with providers.

The level 2 responses for 09/10 year where a person receives a review of their needs have increased from 11 to 22 investigations, which is mainly due to the team addressing lower level Safeguarding concerns in a holistic review of the vulnerable adults support system and environment.

Level 3 investigations have decreased from 41 in 2008/9 to 21 in 2009/10 with a further three months reporting to come. This is due in part to ensuring that we deliver Safeguarding in a supported and person centred way. Where family members are involved the sensitivity from a Level 2 type 'pointed' review can support positive change without risking damaging to otherwise supportive family systems. This does not imply that the service will not take more invasive and formal level 3 investigations where we have assessed this is required.

There was only one level 4 investigation, summarised in 3.4 above

**No Investigation Required:** There continues to be a significant number of Alerts made where there is no investigation carried out subsequent to the alert being made. All alerts are scrutinised by a senior Social Worker and a decision made as to whether they require a Safeguarding intervention, often requiring the senior social worker to complete some research prior to a decision being made. The nature of Safeguarding requires professional assessment and analysis of the information/situation presented. Decisions are made within the framework of Safeguarding procedures and policy, with the application of professional judgement. The absence of a subsequent investigation does not imply that there has been no response from the service.

*(Figures 6, 7&8)*

**3.9.4 Alert/Investigation Outcomes:** The number of alerts that led to the report of abuse being substantiated was 49. 36 investigations remain on-going and so we expect this figure to rise. Currently the majority of outcomes are no-investigation required which currently sits as 71 of the total alerts received. *(Figures 9,10&11)*

All substantiated allegations have been subject to a safeguarding or protection plan being implemented for the individual.

**3.9.5 Time scales:** Efforts to work toward meeting procedural time frames continues. Many investigations involving other agencies extend beyond procedural time frames based on the availability and necessity for these agencies to be present at key meetings. Police investigations are the most common cause for significant delays in proceedings. Where there is the potential from criminal proceedings the service works to ensure the vulnerable clients are kept safe, whilst avoiding undermining potential police action. Level 1 investigations rely on external agencies to provide a timely response; all are issued with specific deadlines for returning completed Level 1 investigators reports.

Whilst timeframes demonstrate that the investigation is being carried out expeditiously, it does not necessarily reflect client need or indeed a person centred investigation. We work to investigate Safeguarding concerns as quickly as possible, but the primary concern remains the well-being of the client, and that they have felt supported, listen to and have a satisfactory outcome at the end of the process. The procedures are written across all clients groups where needs vary greatly and must be individually catered for.

- 3.9.6 **The Impact of the Personalisation Agenda: “Putting People First” (2007)** signalled a significant shift in how local authorities, in partnership with the NHS and the Independent and third sector, need to shift the focus of modes of service access and services provision to reflect the higher expectations and changing needs of the nations adult population. It signals a re-balancing of responsibilities between the state, the family and the individual.

The progress of the personalisation agenda through Self Directed Support, Individual Budgets, Direct payments etc signal the need for local authorities to be less controlling. This has clear implications for safeguarding and to ensure that there continues to be robust monitoring and governance systems in place to prevent or at least highlight quickly if vulnerable adults are at greater risk of financial, material or psychological abuse as a result of being given a greater level of autonomy in how they use their allocation of funds to meet their identified needs. We now specifically measure alerts where the vulnerable adult has a Personal Budget.

- 3.9.7 **Development Work for 2009-10:**

**Reviewing OOA Safeguarding Investigations:**

CLDT have approximately 115 people placed out of city, 70 in East and West Sussex and 45 out of Sussex altogether. Safeguarding protocols nationally rule that the local safeguarding team leads on an investigation, with the involvement of the placing authority.

In city investigations	(B&H clients) – 73%
In city investigations	(Other LA client) - 19%
Out of city investigation	(B&H client) – 8%

(Figure 21)

**Reviewing Safeguarding Policy and Procedure across Sussex.**

The Adult Safeguarding Lead is currently reviewing the Multi-agency Policy and Procedure (Orange book) together with East and West Sussex authorities. The result will be greater clarity in operational guidance and procedure. It is hoped that this will improve consistency across the three areas.

#### **4. CONSULTATION:**

- 4.1 Safeguarding issues and activity are reported to the Learning Disability Partnership Board every six months, and monitored via audit through the Adult Safeguarding Lead.
- 4.2 The Joint Commissioning Board receives a 'Keeping People with Learning Disabilities Safe' Annual Report.
- 4.3 There is also an Adult Social Care Annual Report on Safeguarding, which includes Learning Disabilities Services presented to the Joint Commissioning Board.
- 4.4 The multi-agency Safeguarding Board chaired by the Director of Adult Social Care receives reports from the Learning Disability Service.

#### **5. FINANCIAL & OTHER IMPLICATIONS:**

##### Financial Implications:

- 5.1 Individual vulnerable adults may require adjustments to their care packages as part of a safeguarding plan. These are managed on a case by case basis and within existing resources. Should Safeguarding activity within CLDT continue to increase in line with previous years, there would be a resultant pressure on staffing resources within the assessment and care management which would need to be identified and addressed through future Health and Social Care Budget Strategies.

*Finance Officer Consulted: Anne Silley*

*Date: 4<sup>th</sup> February 2010*

##### Legal Implications:

- 5.2 The relevant national and local context to current Safeguarding practice is comprehensively set out in the body of this report. The Local Authority has a statutory duty to protect all vulnerable adults in the City and to ensure that their Human Rights as enshrined in the Human Rights Act are not breached. Robust Safeguarding procedure and practice are essential elements in adherence to such legal requirements. The Governance role of the Lead Member is important in monitoring and making recommendations for improvement of Safeguarding practice and implementation given the recommendations of the Central Government enquiries referred to in the body of the report.

*Lawyer Consulted: Sandra O'Brien*

*Date 15<sup>th</sup> February 2010*

##### Equalities Implications:

- 5.3 The Equalities implications for safeguarding people with learning disabilities are set out as part of the Equalities Impact Assessment carried out this year in

relation to the Care Management and Assessment Team within the Community Learning Disability Team as a whole.

Sustainability Implications:

- 5.4 There are no significant sustainability implications.

Crime & Disorder Implications:

- 5.5 As set out in the main body of the report, the multi-agency Safeguarding Procedures include the requirement to work in partnership with Sussex Police should a potential crime have been committed as identified within a safeguarding alert.

Risk and Opportunity Management Implications:

- 5.6 Through the Safeguarding Procedures and activity risks of harm and the consequent management and reduction of those risks to vulnerable adults with a learning disability are identified and safeguards implemented.

Corporate / Citywide Implications:

- 5.7 Safeguarding Performance across Adult Social Care including Learning Disability Services forms part of the overall judgements that CQC make in relation to the City Council's Social Care performance.

**6. EVALUATION OF ANY ALTERNATIVE OPTION(S):**

- 6.1 There are no alternative options to implementing the Multi-Agency Safeguarding procedures within Brighton and Hove.

**7. REASONS FOR REPORT RECOMMENDATIONS**

- 7.1 That the Lead Member notes the content of this report.

**SUPPORTING DOCUMENTATION**

**Appendices:**

1. Learning Disability Services Safeguarding Report Quarters 1-3 2009/10

**Background Documents:**

1. Sussex Multi-Agency Policy and procedures for Safeguarding Vulnerable Adults (2006)
2. Valuing People Now: a new three-year strategy for people with learning disabilities (2009)