

**Report for:** Adults & Health Scrutiny Panel on 1<sup>st</sup> March 2016

**Item number:**

**Title:** Adult Safeguarding Update

**Report authorised by :** Beverley Tarka, Director of Adult Social Services

**Lead Officer:** Chris Atherton, Principal Social Worker

**Ward(s) affected:** N/A

**Report for Key/**

**Non Key Decision:** Non Key Decision/For Information

**1. Describe the issue under consideration**

**1.1** This paper has been drafted in relation to the recent BBC London report which reported that there had been a lack of care and support for an elderly lady living at home with dementia. The news report was filmed at the service user's home and included neighbours who it appears had contacted the media about their concerns. Adult Services is unable at this stage to comment in detail on the specifics of this case in order to respect confidentiality of the individual and data protection considerations however, it is important to state that we have been in frequent contact with the resident and have enhanced the care and support she needs, while promptly investigating issues that have been raised with us.

**1.2** At the time of the press report, the support being provided to this resident included multiple daily visits from carers in line with her assessed needs and express wish to remain living at home. These wishes were noted during social work intervention and assessment. However, given the complex and rapidly changing nature of adult social care cases, the appropriateness of this support is regularly reviewed on an ongoing basis. We continue to work closely with her to ensure that the care she receives carries on meeting her assessed needs and is in her best interests.

**1.3** Currently Adult Social Services is undertaking a Section 42 enquiry into the events that led to contact being made to the Local Authority on 20<sup>th</sup> January 2016. The safeguarding process is looking at a number of potential areas which may include self neglect, neglect and organisational abuse. However, these are potential areas of enquiry and at present there is no clear evidence to state that any of these areas of abuse have taken place. The process of the Section 42 enquiry is described in more detail in section 6.1.

**2. Cabinet Member Introduction**

**2.1** The Council is committed to caring for all Haringey residents who receive adult care support. This case is unacceptable, and as soon as the lady's circumstances were brought to my attention, the Council began a number of steps to deal with the matter: we increased her care packages and arranged for the property to be deep cleaned. It is right that we now investigate further via a Section 42 enquiry and ensure that lessons learnt inform future practice.

**2.12** The Care Act 2014 provides an important framework to address the issues under consideration in this case. It is clear that people's wishes, needs and feelings should be at the heart of all care and support activity, including safeguarding, and that local authorities must involve individuals in all decisions about them. This 'duty to involve' applies in all settings and regardless of the complexity of a person's situation. Effective adult safeguarding means promoting people's rights as well as their physical safety. The Section 42 enquiry currently underway will enable all parties involved to identify learning and improvements for practice. The Safeguarding Adults Board (SAB) will have a role in ensuring that learning and improvement is disseminated broadly.

### **3. Recommendations**

**3.1** This is an update report so there are no recommendations for the Committee, but the Section 42 enquiry will be pursued as outlined in this report.

### **4. Reasons for decision**

**4.1** The recommendation arising from the Section 42 enquiry will be reported back to Scrutiny for review.

### **5. Alternative options considered**

N/A

### **6. Background information**

#### **6.1 Section 42 enquiry**

**6.1.1** An enquiry is any action that is taken (or instigated) by a local authority, under Section 42 of the Care Act 2014, in response to indications of abuse or neglect in relation to an adult with care and support needs who is at risk and is unable to protect themselves because of those needs.

**6.1.2** The Care Act requires local authorities to make proportionate enquiries (or to make sure that, as the lead agency, enquiries are carried out by the relevant organisation) where there is a concern about the possible abuse or neglect of an adult at risk.

**6.1.3** This is usually preceded by an informal information-gathering process, if that is necessary to find out whether abuse has occurred or is occurring and therefore whether the Section 42 duty applies.

**6.1.4** It is important that at all points, the six safeguarding principles, are considered in determining the next course of action:

- empowerment – people should be supported and encouraged to make their own decisions and give informed consent;
- prevention – it is better to take action before harm occurs rather than waiting until it does occur;
- proportionality – the response should be the least intrusive and the most appropriate to the risk presented;
- protection – there should be support and representation for those in greatest need;
- partnership – services should work with their communities to produce local solutions; communities have a part to play in preventing, detecting and reporting neglect and abuse; and

- accountability – safeguarding practice should be accountable and transparent.

### **6.1.5 Enquiry by Local Authority**

This applies where a local authority has reasonable cause to suspect that an adult in its area (whether or not ordinarily resident there)

- (a) has needs for care and support (whether or not the authority is meeting any of those needs);
- (b) is experiencing, or is at risk of, abuse or neglect; and
- (c) as a result of those needs is unable to protect himself or herself against the abuse or neglect or the risk of it.

The particular circumstances of each individual case will determine the scope of each enquiry, as well as who leads it and the form it takes. Whatever form the enquiry takes, the following must be recorded:

- details of the safeguarding concern and who raised it;
- the views and wishes of the adult affected, at the beginning and over time, and where appropriate the views of their family;
- any immediate action agreed with the adult or their representative;
- the reasons for all actions and decisions;
- details of who else is consulted or the concern is discussed with;
- any timescales agreed for actions; and
- sign-off from a line manager and/or the local safeguarding lead or designated adult safeguarding manager.

## **6.2 Advocacy**

**6.2.1** The Care Act introduces a new advocacy duty for local authorities. This applies to adults who are the subject of a safeguarding if:

- they have care and support needs;
- they have ‘substantial difficulty’ in being involved in decision-making; and
- there is no appropriate person available to support them and represent their wishes.

**6.2.2** According to the legislation, there are four areas to consider when assessing whether an adult has substantial difficulty in being involved in a decision. Can the person:

- understand the relevant information?
- retain information?
- use or weigh up information?
- communicate their views, wishes and feelings?

**6.2.3** If the person has substantial difficulty in being involved in a decision, an appropriate individual can support them and help them to be involved. This individual may be their family member or friend of the individual, but may not be someone who is paid to give care or treatment to them.

**6.2.4** The role of an advocate is to support and represent the individual, and to help them be involved in key processes and interactions with the local authority.

**6.2.5** It is essential that the advocate is fully independent. The Care Act 2014 makes clear that advocates must not be employed by the local authority or by any

organisation that has been commissioned to carry out assessments, care and support plans or reviews for the local authority.

### **6.3 Consideration of Ongoing Support**

**6.3.1** After a safeguarding incident has been reported and investigated, and action taken to ensure that the person is no longer at risk of abuse or neglect, practitioners will consider what ongoing support the person may need.

### **6.4 Next Steps**

**6.4.1** At present there are two main strands that are being actioned by Adult Social Services in relation to this case.

**6.4.2** The first is around the current and long term support arrangements for the service user. This is being managed by the allocated Social Worker along with other Health and Social Care colleagues. Consideration will be given to ongoing assessment of capacity in relation to specific decision making in relation to care and support choices. The support of advocacy is an important component of this. Risk management of the various options is also an integral part of this work.

**6.4.3** If this option proves untenable, then consideration will have to be given to a move to a formal care setting such as a residential or extra care placement. This would provide the service user with the ongoing and focused care and support that she would require in managing her needs and making sure outcomes are achieved. In keeping with good practice we will work supportively and sympathetically with the resident. Any action will be mindful of her wishes, including the ongoing involvement of informal carers and friends.

**6.4.4** The second strand is the safeguarding Section 42 enquiry which is currently underway. This enquiry will help ascertain the views and wishes of the service user where it is possible to do so, to establish the facts of what has happened and make recommendations for what actions need to be taken next. This will be supported by the formal safeguarding strategy meetings that are in place.

**6.4.5** The outcomes of the safeguarding enquiry, including recommendations and key areas of learning, will be fed back to the Safeguarding Adults Board (SAB).

### **7. Contribution to strategic outcomes**

**7.1** The Safeguarding Adults Board (SAB) will consider the outcomes and recommendations of the Section 42 enquiry and will support dissemination of learning that has arisen.

### **8. Statutory Officers comments (Legal)**

Haringey Adult Social Services is in the process of taking the appropriate and proportionate steps required by them pursuant to the relevant provisions within the Care Act 2014 and the Mental Capacity Act 2005, to safeguard and make the welfare decisions that need to be made for the individual concerned that are in her best interest. Because of the sensitive and personal nature of the work being completed, the service must respect the individual's privacy and we are not in a position to provide any further detail's that risk a breach of confidence or process and procedure.

**9. Use of Appendices**

N/A

**10. Local Government (Access to Information) Act 1985**

N/A