

minutes



Meeting **SAFEGUARDING VULNERABLE ADULTS  
SELECT COMMITTEE**

Date Monday, 28<sup>th</sup> July 2008 commencing at 10.30 am

**membership**

Persons absent are marked with `A`

**COUNCILLORS**

Chris Winterton (Chair)  
Joe Lonergan MBE (Vice-Chair)

	Reg Adair	Helen Holt
A	V H Dobson	Pat Lally
	Albert Haynes	Jason Zadrozny
A	Paul Henshaw	

**MINUTES**

The Minutes of the meeting held on 7<sup>th</sup> July 2008, having been previously circulated, were confirmed and signed by the Chair.

**APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors V H Dobson and Paul Henshaw.

**DECLARATIONS OF INTEREST BY MEMBERS AND OFFICERS**

None.

**DISCUSSION WITH KEITH DOBB FROM THE NOTTINGHAMSHIRE CARE ASSOCIATION**

Keith Dobb from the Nottinghamshire Care Association indicated that the updated joint policy document on safeguarding was a real improvement on the old policy document. He explained that when new staff arrived they were given induction training and that safeguarding formed part of that. They were shown a DVD which was followed up with a questionnaire which showed the effectiveness of the training. They were also given a copy of the Department of Health publication "No Secrets". He added that managers picked up and identified training needs amongst staff. He referred to the whistleblowing

policy and indicated that they had worked hard to get the message over that if something was not right it needed to be dealt with. He stressed that the incapacity of people in homes had increased and the vast range of disabilities were complex in terms of mental capacity. A lot of work was put into training and follow up.

With regard to training Keith Dobb referred to the County's new arrangements whereby they trained the trainers rather than providing direct training. He pointed out that Derbyshire still provided one day training. He thought that this was an issue to keep in mind to ensure that the delivery of training was effective.

He thought there was a need to ensure that safeguarding was effective across all organisations and there was a need to ensure consistency of approach. He felt there was a need to speed up the process of investigation as suspended staff could cause problems for small homes and would have an effect on morale.

Councillor Lonergan asked about the ability of an elderly person to complain and how they were made aware of their ability to do this Keith Dobb explained that the numbers were increasing because there was more public awareness of the issue. He pointed out that the majority of abuse took place in people's own homes in the national figures. With regard to the fear of complaining he indicated that they had worked at this in his own organisation. They tried to involve residents in residents committee and also made it clear to the family that they were able to complain. He pointed out however that some residents do not have any relatives and others had ones that did not visit very often. He stated that they could provide training in-house but his concern was about making sure the training the trainers approach was effective.

Councillor Reg Adair asked who decided what training was needed. Jon Wilson, from the Adult Social Care and Health Department explained that the training strategy was to train the trainers and was felt to be more effective. He thought that there was a capacity issue due to the high turnover of staff in homes. This was overcome by engaging with homes and having staff members who can train staff in the home. There was also a champion in the home which ensured that there was ownership of the issue in the home.

Claire Bearder from the Adult social Care and Health Department explained that the Commission for Social Care Inspection regulated the managers who were responsible for ensuring their staff were trained.

### **PRESENTATION BY ROSAMUNDE WILLIS-READ, REGIONAL MANAGER COMMISSION FOR SOCIAL CARE INSPECTION**

Rosamunde Willis-Read, Regional Manager at the Commission for Social Care Inspection gave a presentation to the Select Committee. She explained that the Commission for Social Care Inspection had developed a safeguarding adults national protocol and guidance with the agreement of the Association of Directors of Social Services, the Association of Chief Police Officers and the Department of Health. This had been launched in February 2007 as a replacement to the December 2003 Adult Protection protocol. This described

the Commission's roles and processes regarding safeguarding as designed to interconnect with the variation of local authority safeguarding frameworks. The intended outcome of the protocol was to ensure practices supported effective safeguarding and contributed to a reduced risk of abuse for people who used services. The Care Standards Act 2000 and the Health and Social Care Act 2003 placed specific responsibilities and duties on the Commission. This was primarily as a regulator – contributing knowledge of services, regulations and standards to the multi agency assessment. They used information gained through regulatory work to judge the quality a Council's safeguarding activities.

She stated that the Commission take regular action when there is a serious risk to a person's life, health or wellbeing. This could be by urgent cancellation of registration or imposition of conditions. This can be in addition to the investigation/assessment by partner agencies. The Commission may decide to conduct enquiries and/or carry out a random inspection. If they do not take immediate action they will use the outcome of investigations by others to inform their decisions about what they need to do. The Commission contribute their knowledge of the service, regulations and standards to the multi agency safeguarding assessment. When they consider what regulatory action needs to be taken they will work in partnership with other agencies. They have speeded up the process and do not wait until Police investigations are completed before action is taken. If they receive information which is not about a service they regulate they accept the information and alert the agencies who can deal with it. She explained that the Commission had continued involvement at regulation manager level as strategic bodies to ensure procedures are implemented effectively. They were active participants of the Board who clarified the role of the regulator, information sharing and promoting joint working but were not part of the decision making as they also had a role in assessing a council's performance. They were also involved in serious case reviews of regulated services.

In response to a question from Councillor Lally, Rosamunde Willis-Read stated that only 20% of complaints were found to be proven. She stated that investigations avoided complacency. She stressed that the Commission were not a "tick box organisation" and had developed additional tools such as sitting and listening and watching interactions in a home. They also tried to get links with residents.

In response to a question from Councillor Lonergan, Rosamunde Willis-Read felt that sometimes engagement with the Police was slow and that decisions took some time. She pointed out that the current regulations around homecare did not require notification of incidents. She hoped that a review of the legislation would look at this and increase the Commission's powers.

In response to a question from Councillor Reg Adair, Rosamunde Willis-Read explained the history to the creation of the Commission. She indicated that they were now more of a regulator than an information provider. She stated that there had been systematic training for the Commission staff about the Mental Capacity Act which had been rolled out nationwide. She explained that the Commission issued improvement notices for homes. If they were not

implemented on the next inspection a statutory notice would be issued and then the Commission would look at cancellation of registration or prosecution.

### **SAFEGUARDING ISSUES INVOLVED IN THE PROVISION OF HOMECARE SERVICES**

Dan Godley from the Adult Social Care and Health Department gave details to the Select Committee on safeguarding issues involved in the provision of homecare services. He explained that the County purchased around 80% of its domiciliary care services with 30 independent sector providers to provide care and support at home for older people. The Department currently commissioned approximately 32,000 hours of care per week to 3765 service users at a value of approximately £21m per annum. The current contracts are due to expire in March 2009. The Department has a responsibility to monitor the performance and quality of services purchased from independent providers to ensure best value. This is implemented by the Monitoring and Evaluation Officers within the localities. Due to the volume of work the number of Monitoring and Evaluation Officers has been increased from 3 to 6. Where Monitoring and Evaluation Officers identified significant underperformance from providers, these issues are reported to the Contracts Officers and a meeting is arranged with the provider to discuss the issues, and if necessary, a performance improvement notice is issued to the provider. Providers have to respond to all the issues identified within the performance improvement notice and produce an action plan with measurable timescales to fill the necessary requirements. If the nature of the issues were of a serious nature, for example which could compromise the health and wellbeing of service users, the contract can be suspended until improvements have been implemented to our satisfaction.

Dan Godley stated that the current homecare contracts with independent sector providers state that providers are contractually obliged to notify the Council of any alleged misconduct which is detrimental to the wellbeing of the service user, in accordance with the protection of vulnerable adults policy. The new contract from April 2009 will reflect the same requirements; however these will be changed to reflect the safeguarding adults policy. All current providers are fully aware of the safeguarding adults policy since its introduction in October 2007 and briefing sessions have been held for providers in various forums. As part of the annual contract review meetings for 2007/08 providers were required to provide a summary of any safeguarding adults investigations that they have been involved in within the last 12 months, including details of the issues raised and what the outcomes were for the service user, within their annual report. He reported that one provider had several examples of theft over a 9 month period. Progress had been hampered through waiting for a Police response. He commented that if this had been dealt with promptly it may have stopped further issues occurring.

In response to a question from Councillor Lonergan, Dan Godley stated that many complaints were routed directly to the provider. In addition, complaints were routed through the service organiser who commissioned care packages and liaised with the provider. He added that Monitoring and Evaluation Officers undertook quality assessments which picked up recurring themes and

would gather evidence and visit relatives. Performance improvement notices can be issued. Last year 4 were issued and so far this year 2 have been issued to date. With regard to suspensions of contracts, 3 had been issued last year and 6 in the previous year. Contracts required that providers carried out satisfaction surveys and they were asked to analyse trends.

In response to a question from Councillor Winterton, Dan Godley stated that the Monitoring and Evaluation Officers carried out a sample audit. If concerns were raised by a family or others they would visit. He stated that the new contract would pay carers by the minute that they were in a person's home. He added that the care workers had a duty to monitor the person's wellbeing. He added that they had picked up with some providers that it was not clear who the family or the service user should complaint to if necessary. He acknowledged there was a need for more contact with service users, however there would be a need for further resources within the Districts for this to happen.

### **PRESENTATION BY JON WILSON, SERVICE MANAGER – MENTAL HEALTH AND LEARNING DISABILITY**

Jon Wilson, Service Manager, Mental Health and Learning Disability gave a presentation to the Committee. He indicated that the No Secrets report issued by the Department of Health in 2000 was the start of adult protection as we know it. Local Social Services Departments were told to play a co-ordinating role in developing the local policies and procedures for the protection of vulnerable adults from abuse. All commissioners and providers of health and social care services were to work together in partnership to ensure that appropriate policies, procedures and practices were in place and implemented locally. He referred to the murder of Steven Hoskin who had suffered from learning difficulties and quoted from the serious case review of his murder "the safeguarding systems for children and young adults are poles apart in terms of profile, performance and working in partnership ... Safeguarding adults is a poor relation in terms of profile, funding and resources". He gave details of the notifications of abuse and the outcome of the investigations. He indicated that in Nottinghamshire more abuse was alleged to have taken place in care homes than in people's own homes in 2006/07.

He stated that vulnerable people needed to know who to call and what was acceptable. Safeguarding was everyone's responsibility. There was a need for confidence in communities which went back to the Hoskin murder and that if people got to know each other the community would protect vulnerable people.

He referred to the personalisation agenda of homecare services where more people were procuring their own services. There was a need to balance freedom to take risks against freedom from harm and for there to be explicit consideration of choice and risk. In this respect prevention was better than cure and there was a need to be proactive. It was necessary to have robust commissioning and monitoring arrangements. There would be a need to increase the availability of advocacy. He explained that the County were moving to different social care arrangements with more people procuring their

own services. In Nottinghamshire there were currently about a thousand people procuring their own services out of 18,000 receiving the service. This would be moving to 1 in every 2 people procuring their own services which would have implications for the safeguarding agenda.

Jon Wilson thought that effective leadership and “championing” was critical. Good care management often correlated with positive safeguarding. There was a need for stronger integration with wider strategic plans – the Local Area Agreement and the Community Strategy. The aging population would give a new population profile in the county. There was a need to support and protect carers and people who self funded. Safeguarding covered everyone including those who self funded.

He indicated that there was a need to provide information and advice in an easily accessible format. It was important to involve people who used the services and carers in shaping and evaluating these arrangements. There was a need to improve protocols for dealing with alerts from commissioned services and to make better use and analysis of data. He asked how safe were vulnerable people?; what is the corporate responsibility to vulnerable adults? and how can members be assured people are safe?

Councillor Chris Winterton referred to the “golden number” for the Authority and thought that there was a need for a number to be able to ring with regard to safeguarding adults. He thought there was a need to make sure the statutory processes were in place and a need to identify best practice elsewhere in the country. Rosamunde Willis-Read thought there was a need to hold providers responsible and accountable so that there were legal teeth in the social care arena thereby protecting service workers. Councillor Pat Lally thought that corporately the Authority could not provide all the services therefore there was a need to empower communities to care such as local volunteer bureaux. Jon Wilson thought that there was no substitute for family, friends and local shopkeepers. They needed to know who to get in touch with when safeguarding issues arose. He thought there was potential to use new technology. Councillor Winterton thought that there was a need to make sure that there were advocacy services available for people who had no family. He also stated that there was a need to make sure that sufficient resources were made available.

## **WORK PROGRAMME**

The future work programme was agreed as set out in the report.

The meeting closed at 12.55 pm.