

Report



Meeting SAFEGUARDING VULNERABLE ADULTS SELECT COMMITTEE

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REPORT OF THE SERVICE DIRECTOR, MENTAL HEALTH AND LEARNING DISABILITY

NOTTINGHAMSHIRE SAFEGUARDING ADULTS AND MENTAL CAPACITY ACT TEAM

1. Purpose of the Report

- 1.1 To inform members of the arrangements for safeguarding vulnerable adults in Nottinghamshire.

2. Background

- 2.1 'No Secrets', was published in 2000, providing a national policy context for the protection of vulnerable adults. The aim was to create a framework for action within which all responsible agencies work together to ensure a coherent policy for the protection of vulnerable adults at risk of abuse. The policy stated that statutory agencies should work together in partnership (as advocated in the Health Act 1999) to ensure that appropriate policies, procedures and practices are in place and implemented locally. They should do so in collaboration with all agencies involved in the public, voluntary and private sectors and they should also consult service users, their carers and representative groups.

Nottinghamshire was one of the first authorities in the country to establish adult protection policies and an Adult Protection Team. The team have been very successful working with statutory and independent sector partners across Nottingham City and Nottinghamshire County areas.

- 2.2 Following national guidance in 2005, 'Safeguarding Adults' A National Framework of Standards for good practice and outcomes in adult protection work, a county wide conference determined that the Adult Protection Unit should take on the wider role of safeguarding adults, and that specific services should be established for the city and county areas.
- 2.3 Following consultation a decision was reached that Nottinghamshire County Council and Nottingham City Council should establish separate Safeguarding Adults Boards to cover the respective local authority areas. It is proposed that these new Boards will be in place in April 2008.

3. Context

- 3.1 The establishment of separate local authority arrangements is a response to the growing profile and importance of adult safeguarding and a testament to the hard work and commitment of all agencies involved in the development of the Adult Protection Unit and the Nottinghamshire Committee for the protection of Vulnerable Adults (NCPVA) board.

The development of the two boards will enable safeguarding approaches which

- Are based on local demographic, social and health profiles,
- Provide for a more targeted approach to trend and need analysis,
- Reflect local organisational structures, and
- Enable consistent reporting of activity and performance.

Within the last 12 months, the Adult Protection policies and procedures have been reviewed and following consultation, roles and responsibilities have been amended to reflect local circumstance and the growing importance of

the safeguarding agenda. Across the county Team Managers will take on the role of Safeguarding Manager to co-ordinate investigations and ensure outcomes are met for individuals. To support the Team Managers in this work the Safeguarding Adults Team will be required to provide a more comprehensive advice, support and supervisory role.

In addition the Safeguarding Team will develop a direct involvement in the co-ordination and chairing of complex safeguarding work, and will manage the multi agency serious case review process.

- 3.2 The move from Adult Protection to Safeguarding Adults heralds a new beginning for the service, with the focus shifting from reactively responding to individual protection from abuse to a wider remit which will also include proactively protecting the community from the potential for abuse. This involves a fuller role in public information and abuse prevention services, alongside a strengthened governance function. In addition Safeguarding Adults will incorporate authority lead responsibilities under the Mental Capacity Act 2005.
- 3.3 The Mental Capacity Act (2005) becomes fully operational in October 2007. To support the implementation of the Act, each local authority and Primary Care Trust has been allocated additional funding. Nottinghamshire County Council and Nottinghamshire tPCT have agreed that this funding should be utilised to provide a joint health and social care support service. In line with national guidance, specialist practitioners will provide the health and social care community with advice, support and specialist knowledge and expertise.
- 3.4 The Nottinghamshire Safeguarding Adults Unit will undertake the management of the Mental Capacity Act on behalf of the local authority and the PCT, and will change its name to the Safeguarding Adults and Mental Capacity Act Team (SAMCAT).
- 3.5.1 The Nottinghamshire tPCT have agreed to fund two specialist practitioners to work alongside the two local authority senior practitioners within the team to develop a fully integrated county wide health and social care resource. This

service will offer specialist expertise to carry out the duties and responsibilities falling under the Act, including preparation and presentation in the court of protection, undertaking the role of Deputyship for the courts and Deprivation of Liberty Assessments. In addition the service will provide advice, information and guidance to the health and social care community across Nottinghamshire on matters relating to mental incapacity, decision making and Best Interests judgements.

3.5.2 Alongside these posts, temporary staffs are to be appointed to work with the independent sector for the next 12 months to help prepare residential and nursing care providers for the implementation of the Deprivation of Liberty safeguards. The Safeguarding Adults and Mental Capacity Act Team will become the central administration point for all Deprivation of Liberty arrangements in the County, to ensure the County Council and its partners are meeting their statutory obligations.

3.5.3 From October 2009, the Safeguarding Vulnerable Groups Act 2006 (SVGA 2006) will be implemented. The Act aims to make provision in connection with the protection of children and vulnerable adults, by establishing the independent Safeguarding Authority. The implementation of the Independent Safeguarding Authority scheme, will introduce the most stringent vetting and barring service yet. The scheme will protect both children and vulnerable adults by preventing those who are known to pose a risk of harm accessing these groups through their work. The scheme will go live on 12 October 2009. It will cover 11.3 million people wishing to seek work or volunteer with children or vulnerable adults.

The ISA scheme will mean a single vetting authority maintains a constantly updated list of people who are not allowed to work with children or vulnerable adults – this will incorporate all existing barring lists.

If a person is not barred from employment with vulnerable people they will be ISA registered, although it will remain the employer's decision whether to hire them. The authority will work alongside the Criminal Records Bureau, which

will continue to issue criminal records disclosures to help employers make recruitment decisions.

From October 2009 employers will be able to check that individual staff members have been assessed for work with vulnerable groups,

The ISA is an independent body with its own remit and barring criteria which will decide on a case-by-case basis if an individual poses a risk of harm to vulnerable groups.

Individuals wishing to undertake paid employment while engaging with vulnerable groups will pay a one-off fee of £64. The fee will consist of two components: an ISA registration fee of £28 and a CRB enhanced disclosure, currently £36, which provides employers with details of information held on police records about potential staff members. However, there will be no cost for volunteers.

4.0 Considerations

4.1 Safeguarding vulnerable adults is an issue of growing concern. This is reflected in national policy, research studies, and media campaigns highlighting abuse, neglect and exploitation of older and disabled people. Safeguarding is now a central component of adult social care inspection processes.

4.2.1 The report above details the enhanced partnership arrangements being introduced in Nottinghamshire. The overview and scrutiny committee of the county council is asked to review these arrangements and comment on the effectiveness or otherwise of the work being undertaken to safeguard vulnerable adults in Nottinghamshire.

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