

minutes



Meeting **SAFEGUARDING VULNERABLE ADULTS  
SELECT COMMITTEE**

Date Monday, 21<sup>st</sup> April 2008 commencing at 2.00 pm

**membership**

Persons absent are marked with `A`

**COUNCILLORS**

Chris Winterton (Chair)

|   |               |   |                  |
|---|---------------|---|------------------|
|   | Reg Adair     |   | Pat Lally        |
|   | Albert Haynes |   | Joe Lonergan OBE |
| A | Paul Henshaw  | A | Sue Saddington   |
| A | Helen Holt    | A | Jason Zadrozny   |

**APPOINTMENT OF CHAIR**

The appointment by the Overview and Scrutiny Committee on 18<sup>th</sup> February 2008 of Councillor Chris Winterton as Chair, was noted.

**APPOINTMENT OF VICE-CHAIR**

It was agreed to appoint Councillor Joe Lonergan OBE as the Vice-Chair of the Select Committee.

**MEMBERSHIP**

The Membership of the Select Committee as set out on the report was noted.

**APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Paul Henshaw, Helen Holt and Sue Saddington.

**DECLARATIONS OF INTEREST BY MEMBERS AND OFFICERS**

None.

## **SAFEGUARDING VULNERABLE ADULTS**

Consideration was given to a report which set out the scope of the Review and it was agreed to note the report.

## **NOTTINGHAMSHIRE SAFEGUARDING ADULTS AND MENTAL CAPACITY ACT TEAM**

Jon Wilson, Service Director Mental Health and Learning Disability in Adult Social Care and Health gave a presentation to the Select Committee. He indicated that in the late 1990s high profile cases of allegations of particular older people being subject to harm, abuse and neglect led to the Department of Health's "No Secrets" report in 2000 which provided a national policy context for the protection of vulnerable adults. This gave a multi-agency context and the local Authority was to take the lead in co-ordinating but it was a partnership and all had to work together. No Secrets defined what was meant by a vulnerable adult – this was fairly wide and vulnerable was defined as a person being eligible for a community care services. In 2005 new policy guidance was issued by the Association of Directors of Social Services which was a major change in the way the issue was seen nationally. There was a change from individual protection to a safeguarding agenda which included prevention as well as protection. It also set out national standards.

Jon Wilson also explained that the Mental Capacity Act 2006 defined abuse and indicated how agencies should deal with people who did not have capacity. It also gave powers to prosecute abusers.

The Safeguarding Vulnerable Groups Act changes the way that people who deal with vulnerable adults will be registered with effect from October 2009. At present a person has to have a CRB check and there is a list of people not deemed suitable – the Protection of Vulnerable Adults (POVA) list. This is not comprehensive and only covers social care. The new Act will establish a list of people who can work through registration. This list would be held centrally and the Local Authority would be able to check people's names. There will be different levels of registration but it will not include unpaid carers. He indicated that there would be an appeals process.

Claire Bearder from the Adult Social Care and Health Department gave a presentation to the Select Committee on the historical context of the safeguarding agenda. She stated that Nottinghamshire had been one of the first local authorities to carry out work on safeguarding adults in 1994 – before the 'No Secrets' report. We had abuse guidance and monitoring was in place. She stated that separate safeguarding adult boards for the City and County had been established to provide a more targeted approach to trend and analysis. This reflected local organisational structures and enabled consistent reporting of activity and performance. A Safeguarding Adults and Mental Capacity Act Team had been created to undertake the management of specialist Mental Capacity Act workers for the local authority and the PCT. It would also integrate the link between the safeguarding adults work and the Mental Capacity Act. The aim of the team was to be "A centre of excellence and expertise which inform and assists organisations in their responsibilities to protect and safeguard vulnerable adults."

In response to questions from members Jon Wilson stated that there was a Multi-Agency Partnership Board which was chaired by the Strategic Director of Adult Social Care and Health. This was not a statutory board like Children's but consisted of the Executive Director of the Nottinghamshire Health Care Trust, the Director of Governance at the Nottinghamshire Primary Care Trust (PCT), Chief Inspector of the Police, Assistant Probation Officer and representatives from other statutory and voluntary organisations. It met quarterly. He indicated that the Safeguarding Adults and Mental Capacity Act Team were largely employed by the Local Authority, although a couple of nurses employed by the PCT were now part of the team. The team worked across the whole partnership and were also responsible for quality assurance and information to the public. The Local Authority met the bulk of the costs of the team, the PCT provided their practitioners and 25 to 30% of the costs came from the Primary Care Trust. The other statutory agencies did not contribute although there had been intermittent funding from the Police.

In response to a question from Councillor Winterton, Jon Wilson stated that currently each employer met the cost of the CRB checks for their employees. He indicated that the new body had released the details of the fees they were charging which would be £65 for the CRB check and registration. It was estimated that the cost could be £500,000 for the LA as everyone would need to be checked again. He added that maybe the individual would have to pay in the future. It was explained that this would be enforced in the private sector through the contracts.

It was pointed out that self-funders would come under the safeguarding agenda as they would be eligible for community care. It was indicated that the Authority had a responsibility to investigate and co-ordinate activities. There was no legal framework to prosecute for not safeguarding and often the police did not feel it was in the public interest.

Jon Wilson commented that the outcome of investigations of alleged abuse was that only 20% were proven which was an issue. He welcomed advice on how to generate a better response. Claire Bearder, the Adult Protection Co-ordinator in the Department indicated that these figures were in line with most other authorities. She explained that the safeguarding manager had responsibility to manage safeguarding assessments and make decisions based on evidence.

Jon Wilson stated that abuse might be as a result of frustration as there was a lot of tension involved in looking after someone who was vulnerable. It was pointed out that if one could support carers to identify stress triggers this was one way of prevention.

With regard to numbers of reported cases of abuse a study had been carried out of ten authorities. Nottinghamshire had one referral per 1000 population. Of the other authorities one had a slightly higher rate but all the others were half Nottinghamshire's figures. The inspectors believed that a high rate of reported cases was good and it was expected that the figures would increase. A Comic Relief funded study had carried out face-to-face interviews which found that 2.6% of old people had said they had experienced abuse/neglect in the last 12 months. It was felt that this was lower than the actual rate but was the only national research carried out.

In response to a question, Jon Wilson stated that he did not know how we compared for the allocation of resources for this issue. He indicated that CSI raised the issue of safeguarding on their inspections and had set standards which they expected the local authority to adhere to. It was felt that it would be useful to see the standards.

The Chair asked whether there was a protocol with GPs. Clare Bearder stated that the Primary Care Trusts were 'signed up' and some work had been done with GPs in the past.

Councillor Lonergan suggested that it was important to learn from complaints and analyse the broad picture of what was happening. Jon Wilson stated that the Department had done an element of this but that more should be done, particularly around prevention. He added that they had not carried out a trend analysis.

In response to a further question from Councillor Lonergan, Claire Bearder stated that there were very few cases where it was considered abuse had occurred, went to prosecution. This was for a number of reasons – not all abuse was a crime, for example poor care; it was not always seen as being in the public interest particularly if two vulnerable adults were abusing each other. There are still elements of the legislation where people cannot give evidence. It was felt that there was a need to get a view from the police on the safeguarding agenda.

Jon Wilson stated that the presentation to Departmental Briefing meeting had suggested that scrutiny could be useful in implementing the new safeguarding agenda. One issue was the role of elected Members and the corporate responsibility for safeguarding.

It was agreed that the future meetings of the Select Committee should have reports on:-

- The structure and terms of reference of the Safeguarding Board
- A view from the police and Health on the safeguarding agenda and that a representative from the Police and PCT be invited to attend
- The involvement of Members in the process.

The meeting closed at 4.05 pm.

**CHAIR**