



London Borough of Hammersmith & Fulham

**Housing, Health and Adult Social Care Select Committee
April 2014**

SAFEGUARDING ADULTS IN HAMMERSMITH AND FULHAM

Report of the Divisional Director: Stella Baillie Tri-borough Director, Provided Services, Mental Health Partnerships and Safeguarding for Adult Social Care

Open Report

Classification: For Scrutiny Review & Comment

Key Decision: No

Wards Affected: All

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1. Introduction

- 1.1. The Care Bill¹ passing through Parliament will require local authorities to make (or cause to be made) enquiries if a person is at risk of abuse and neglect, and unable to protect themselves; establish a Safeguarding Adults Board; and review cases, especially where a death of an adult at risk has occurred as a result of abuse or neglect.
- 1.2. The present arrangements for adult safeguarding in Hammersmith and Fulham, and the other two boroughs that make up Adult Social Care Tri-borough, ensure that the local authority is well-placed to meet its new statutory responsibilities for adult safeguarding when the Bill becomes law in 2015.
- 1.3. From the 1st April 2012, the responsibility for carrying out adult Safeguarding statutory duties² in Hammersmith and Fulham has been shared between the Professional Standards and Safeguarding Team and the Adult Social Care Operational teams, including those for people with learning disability, mental health, substance use, physical disabilities and older people.
- 1.4. From 1st April 2013, the Professional Standards and Safeguarding Team has also had responsibility for operating a single Deprivation of Liberty Safeguards service, authorising detentions under the Mental Capacity Act 2005 on behalf Hammersmith and Fulham, Westminster, Kensington and Chelsea, and the NHS³.
- 1.5. The Professional Standards and Safeguarding Team, which was set up on 1st April 2012 is managed by the Strategic Lead for Professional Standards and Safeguarding. The team has three safeguarding leads, one for Hammersmith and Fulham, and for each of other two boroughs; a manager for the Deprivation of Liberty Safeguards service; a Mental Capacity Act lead; and two administrators; one to support the Safeguarding Adults Executive Board, and one administering the Deprivation of Liberty Safeguards.
- 1.6. In addition to managing the Professional Standards and Safeguarding Team, the strategic lead is responsible for managing the newly constituted, independently chaired, multi-agency, Tri-borough Safeguarding Adults Executive Board which from 1st July 2013, has been providing leadership of

¹ Care Bill (HL) <http://www.publications.parliament.uk/pa/bills/lbill/2013-2014/0045/140045.pdf>

² The safeguarding responsibilities for local authorities are outlined in 'No secrets' 2000 guidance issued under Section 7 of the Local Government Act 1970: 'statutory agencies should work together in **partnership** (as advocated in the Health Act 1999) to ensure that appropriate policies, procedures and practices (for the protection of vulnerable adults from abuse) are in place and implemented locally. Local authority social services departments should play a co-ordinating role in developing the local policies and procedures for the protection of vulnerable adults from abuse.

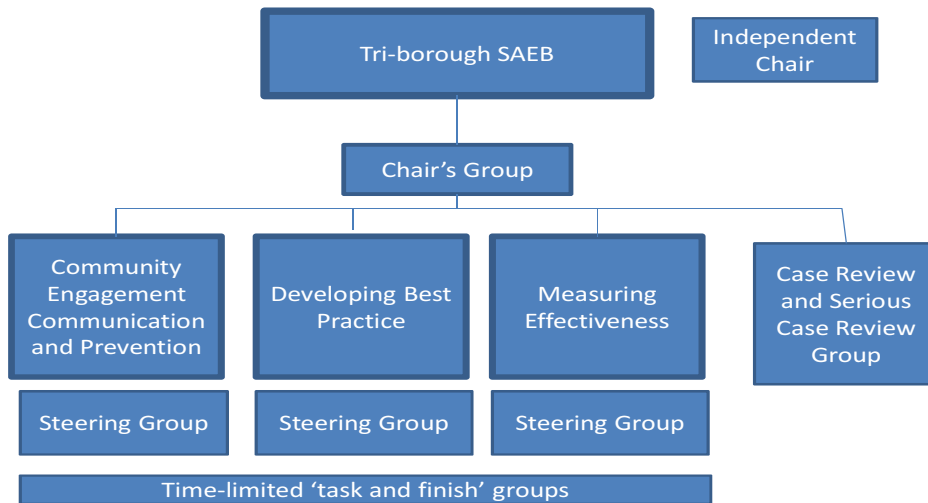
³ Health responsibilities for Deprivation of Liberties were transferred to the local authorities on 1st April 2013 as required by the Health and Social Care Act 2012.

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adult Safeguarding across Hammersmith and Fulham, Kensington and Chelsea, and Westminster.

2. Leadership and Good Governance of Adult Safeguarding

Figure 1: The Tri-borough Safeguarding Adults Executive Board⁴



2.2. The Tri-borough Safeguarding Adults Executive Board had its inaugural meeting on 30th July 2013, with senior representation from all statutory agencies, including an elected member from each of the three boroughs. It meets quarterly and has had two subsequent meetings on 22nd October 2013, and 23rd January 2014.

2.3. The formal launch of the Board was held on 7th November 2013 at a half day conference attended by 85 delegates. In their evaluation of the event, delegates were most complimentary about their learning from an exercise based on London Borough of Sutton's Serious Case Review into the death of Gloria Foster.

2.4. Board members are working with a representative from the law commission to understand what the new statutory duties will look like when the Care Bill becomes law next year, in particular what arrangements it will be putting in place to review cases and carry out Serious Case Reviews. This work is being completed in partnership with the Local Safeguarding Children's Board.

2.5. The Safeguarding Adults Executive Board has agreed its five high level outcomes which are:

⁴ The Tri-borough Safeguarding Adults Executive Board Terms of Reference are available as background papers.

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People are aware of safeguarding and know what to do if they have a concern or need for help;
People are able to report abuse and are listened to;
Concerns about harm or abuse are properly investigated and people can say what they want to happen;
People feel and are safer as a result of safeguarding action being taken (but being safe on its own is not enough);
The wider well-being of people is maintained or enhanced as a result of safeguarding activity.

- 2.6. The Board is also developing its 2014/15 Business Plan for sign off at its next meeting on 1st April.
- 2.7. The Board will present its Annual Report for scrutiny in the autumn.
- 2.8. The work of the Board is carried out through three work-streams (Community Engagement, Communications and Prevention; Developing Best Practice; and, Measuring Effectiveness). The three Professional Standards and Safeguarding Team safeguarding leads each have responsibility for one of the work-streams.
- 2.9. The Safeguarding lead for Hammersmith and Fulham is co-ordinating the Measuring Effectiveness work-stream. This involves working with all the agencies represented on the board to collect and analyse information, that provides assurance to the Board that safeguarding activity is effective in delivering the five outcomes listed above (2.5)

3. Developing Best Practice in Adult Safeguarding Casework

- 3.1. The Hammersmith and Fulham Adult Social Care operational teams currently receive and assess safeguarding referrals, and co-ordinate safeguarding investigations, and protection planning for people who have experienced abuse.
- 3.2. The local safeguarding leads provide staff in the Adult Social Care Operational teams with advice on complex cases; ensure practice is compliant with 'Protecting adults at risk: London multi-agency policy and procedures to safeguard adults from abuse'⁵; and test compliance through peer and external audit.
- 3.3. To do this work well, all members of the Professional Standards and Safeguarding Team work hard to maintain high professional standards and to ensure that their knowledge is up-to-date in their areas of expertise (Safeguarding, Mental Capacity Act and Deprivation of Liberty Safeguards), in order to be credible, and to give accurate, timely, and lawful advice to managers and front-line staff.

⁵ SCIE report 39 'Protecting adults at risk: London multi-agency policy and procedures to safeguard adults from abuse' <http://www.scie.org.uk/publications/reports/report39.pdf>

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- 3.4. An external audit of safeguarding cases was carried out in October 2012 and October 2013 in Hammersmith and Fulham, and in the other two boroughs. In addition to this, monthly peer audits have been introduced in all three boroughs whereby 10 managers scrutinise and score a safeguarding case from a different team, against a set of criteria. The findings are shared and the learning and remedial actions are agreed and monitored in a borough-based Quality Improvement Group. This has resulted in significant improvements in the numbers of cases sampled 'performing well' or above.⁶
- 3.5. The findings from peer and external audit, and the Annual return to the Department of Health have been used by the Tri-borough Learning and Development team to commission appropriate Safeguarding and Mental Capacity Act training. The training is designed to develop the skills and capability of front-line staff, and improve particular areas of practice; including assessing risk; investigating abuse; co-ordinating safeguarding enquiries; assessing capacity; and making best interest decisions.
- 3.6. The Professional Standards and Safeguarding Team also provide advice on complex cases to NHS Trusts; General Practitioners; a wide range of voluntary sector providers; hostels; service users' and carers' groups; community forums; the police; community safety; the Multi-Agency Risk Assessment Conferences and domestic violence advocacy providers; and other departments in the local authorities. The focus of this work is to prevent harm, increase reporting of abuse, and to enable people who have experienced harm to stop the abuse, and wherever possible, to be safer and lead happier, healthier lives.
- 3.7. From 1st April 2013, the Professional Standards and Safeguarding Team have been working with the Quality and Patient Safety team of the Central West London, Hammersmith and Hounslow Clinical Commissioning Groups Collaborative, and the Care Quality Commission, to address concerns about the quality of care in care and nursing home providers in Hammersmith and Fulham, and the other two boroughs (53 in total). A shared protocol is in place to guide this work and to ensure that information is shared, and the responses are proportionate, and lead to improvements in the quality and safety of the care provided to people receiving services.
- 3.8. Adult Social Care and the Clinical Commissioning Group Collaborative used this protocol to address concerns with the owners and manager of a large nursing home used by residents of all three boroughs. The home was subject to a Care Quality Commission notification last year, but with consistent hard work and commitment to raising standards by all concerned, is now fully Care Quality Commission compliant, and is reporting high levels of satisfaction with people who live there and their families.

4. Measuring Effectiveness of Safeguarding work during 2012-13

⁶ A case is judged to be 'performing well' when safeguarding the individual plus four or more outcomes are performing well or excellently and no more than one outcome is performing poorly.

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4.1 Framework I, External and Peer Audit

- 4.1.1 The introduction of a single Client Information System (Frameworki) across the three boroughs has significantly improved the quality of recording and information-sharing, which is essential for capturing good safeguarding practice. Staff in all the Adult Social Care operational teams in Hammersmith and Fulham, and the other two boroughs, have received the same training in the use of the Frameworki Safeguarding module, which is compliant with 'Protecting adults at risk: London multi-agency policy and procedures to safeguard adults from abuse'⁷. The single system is making it easier to compare activity data across all three boroughs; identify and address variations in practice; and take remedial action.
- 4.1.2 The same process of external audit and peer audit of Safeguarding case files has been introduced in Hammersmith and Fulham, and the other two boroughs, and provides comparative evidence of good practice, and practice that needs improvement. The findings are informing the training priorities and performance issues to be addressed with individuals and teams.
- 4.1.3 The external adult safeguarding audits carried out in October 2012 and October 2013 showed Hammersmith and Fulham improving from 36% cases in the sample 'performing well' and above in October 2012, to 52% of cases 'performing well' or above.
- 4.1.4 A target of 60% of all sampled cases 'performing well' and above is yet to be achieved in all of the three boroughs. It is anticipated that the use of peer audit in all three boroughs will deliver further improvements in the 2014 external audit. This is a measure internal to the three boroughs so at present the information is not benchmarked with other London Boroughs.

4.2 Deprivation of Liberty Safeguards Service

- 4.2.1 The Deprivation of Liberty Safeguards service authorises detentions in care and nursing homes and hospitals under the Mental Capacity Act 2005 of people who have ordinary residence in Hammersmith and Fulham, and the other two boroughs.
- 4.2.2 Where people are not detainable under the Mental Health Act, and lack capacity to make decisions about their care and treatment, the Deprivation of Liberty Safeguards are in place to ensure that a detention is in the person's best interest; that it is the least restrictive choice for the person; and depriving them of their liberty is a proportionate response to the risk of serious harm of their living in their own home. The safeguards require that assessments are carried out by people who have no involvement in management of the person's case, and that the person is independently represented throughout the assessment and the period of detention. The person and their

⁷ Abid SCIE Report 39

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representative are always advised of their rights to appeal their detention through the Court of Protection.

- 4.2.3 The Deprivation of Liberty Safeguards service has recruited 31 trained Best Interest Assessors from the operational Adult Social Care teams in the three boroughs, and 5 independent Mental Health Assessors who have lawfully processed all requests for Deprivation of Liberty Safeguards authorisation for people who are the responsibility of the three boroughs, within the timescales required in law (7 calendar days for urgent authorisations).
- 4.2.4 Not all Deprivation of Liberty Safeguards applications lead to a detention. In 2012/13 10 Deprivation of Liberty Safeguards detentions applications were made for Hammersmith and Fulham, of which 8 were authorised.
- 4.2.5 It is required in law that anyone who has no friend or family member to represent them is given an Independent Mental Capacity Advocate. Although not required in law, where a person is represented by a friend or family member, the Deprivation of Liberty Service provides an Independent Mental Capacity Advocate to support the person and their representative to understand their detention, and their right to appeal in the Court of Protection. This is recognised as best practice by the Care Quality Commission.

4.3 Annual Vulnerable Adult Report/ Safeguarding Adults Report

- 4.3.1. At the end of June, Hammersmith and Fulham, and the other two boroughs, submitted information on safeguarding activity during 2012-13 to the Department of Health in the annual Abuse of Vulnerable Adults return. The final return was published last month.
- 4.3.2. From 2013-14, the Abuse of Vulnerable Adults return will be replaced with the Safeguarding Adults Return. The new return will include a question on whether or not the safeguarding process has removed or reduced the risk to the person.
- 4.3.3 To complete this return, it is important to have a complete data set. From December 2013, Hammersmith and Fulham, and the other two boroughs have been using the same Client Information System (Framework1) and the same safeguarding forms and reports, which means that comparative data can be collected and analysed and reported more easily and accurately.
- 4.3.4. The 2012-13 Abuse of Vulnerable Adults return showed that in Hammersmith and Fulham, the number of safeguarding referrals received (490 in 2012-13; 515 in 2011-12; 375 in 2010-11) fell into the mid-range of London Boroughs. Taking population into account by looking at the number of referrals per 100,000 people aged over 18 years, Hammersmith and Fulham have one of the highest rates of safeguarding referrals in London.
- 4.3.5 Also in Hammersmith and Fulham, there is a high rate of referrals (twice the London average) of people aged 18 to 64. This age group accounts for 30% of people receiving social care services in the borough.

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- 4.3.6 Some work has been done with staff to improve coding of people by client group and to reduce the use of 'other vulnerable people' code. This has significantly improved recording of the relationship between the person and the alleged perpetrator of abuse.
- 4.3.7 There has also been a marked reduction in the number of cases marked as 'inconclusive' reflecting a clear improvement in recording practice. Cases are now either 'substantiated', 'not substantiated' or less frequently, 'partially substantiated'.
- 4.3.8 With regard to types of abuse, there is a marked difference by age in the type of abuse alleged, with physical abuse being the most commonly reported type of abuse among the 18 to 64s but with neglect being the most commonly reported type of abuse among the 65s and over. Over the last three years, across London as a whole, neglect has accounted for an increasing proportion of incidents among older people, and this trend has been reflected in Hammersmith and Fulham.
- 4.3.9 Progress on actions taken as a result of the findings and recommendations from the annual return and audits is monitored through the newly formed Adult Social Care Quality Assurance Board, on which the Professional Standards and Safeguarding Team and the Adult Social Care operational teams are represented.

5. Actions for Completion by the end of March 2014

The Professional Standards and Safeguarding Team and the Adult Social Care Operational teams will complete the following actions by the end of March 2014:

- have in place a multi-agency process for learning from case review and Serious Case Review in Hammersmith and Fulham, and the other two boroughs.
- have completed the requirements of the Winterbourne View concordat.⁸
- have fully embedded the peer audit process in all three boroughs to achieve greater consistency of safeguarding practice as reflected in the Safeguarding Adult Return for 2013/14, and in the findings from external audit, and have better understanding of any legitimate reasons for local variations.
- have consolidated the systems for working with health, local providers and the Care Quality Commission to improve people's experience of care in nursing and care homes in Hammersmith and Fulham, and the other two boroughs .

⁸ Winterbourne View Concordat is a programme for change to transform health and care services and improve the quality of the care offered to children, young people and adults with learning disabilities or autism who have mental health conditions or behaviour that challenges to ensure better care outcomes for them.

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/213217/Concordat.pdf

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- have completed service user experience of safeguarding survey, the findings from which will be reported to the July meeting of the Safeguarding board and will be used to improve the responses to people in Hammersmith and Fulham, and the other two boroughs who have been subjected to abuse. This work is linked to the Customer Journey project.