

**HEALTH AND ADULT SOCIAL CARE
OVERVIEW AND SCRUTINY COMMITTEE
14 DECEMBER 2017**

**KENT AND MEDWAY SAFEGUARDING ADULTS BOARD
(KMSAB)
ANNUAL REPORT 2016-17**

Report from: Deborah Stuart-Angus, Independent Chair of KMSAB

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Summary

The Care Act 2014 placed Safeguarding Adults on a statutory footing. It included a requirement for each Local Authority to establish a Safeguarding Adults Board (SAB) for its area. Medway Council's duty is met through a joint SAB with Kent County Council, the Kent and Medway Safeguarding Adults Board (KMSAB).

The Kent and Medway Safeguarding Adults Board provides strategic oversight to ensure that all member agencies are working together to help keep Kent and Medway's adults safe from harm and protect their rights. One of the duties placed on SABs is that they must produce an Annual Report. The KMSAB Annual Report for 2016-17 outlines the key achievements of the Board and its component agencies as well as detailing some of the challenges faced. The report also includes details of multiagency training, Safeguarding Adult activity data and analysis and defines the key priorities for 2017-2018.

The Annual Report was endorsed by the KMSAB on 15 September 2017 (Appendix 1). It is made available on the Board's website.

1. Budget and Policy Framework

- 1.1 The Care Act 2014 came into force on 01 April 2015 and is supported by the "Care and Support Statutory Guidance" (CaSSG). The Care Act is a fundamental law reform that repealed key pieces of legislation, consolidating the legislative framework for Adult Social Care; promoting the principles of prevention, wellbeing, independence and a person centred approach.

- 1.2 The Care Act places Safeguarding Adults on a statutory footing and defines the responsibilities of Local Authorities and key partners. Section 14.1 of the CaSSG defines Safeguarding Adults as follows:

“Adult safeguarding means protecting a person’s right to live in safety, free from abuse and neglect.”

- 1.3 The Care Act introduced the following statutory requirements related to Safeguarding Adults:

1.3.1 Duty to make enquiries -

Section 42 of The Care Act outlines that the Local Authority has a duty to make enquiries, or cause others to do so, if an adult -

- Has needs for care and support (whether or not the Local Authority is meeting any of those needs) and;
- Is experiencing, or at risk of, abuse or neglect; and
- As a result of those care and support needs is unable to protect themselves from either the risk of, or the experience of, abuse or neglect.

1.3.2 Establish a Safeguarding Adults Board –

Section 43 (1) of The Care Act states that “Each Local Authority must establish a Safeguarding Adults Board (“SAB”) for its area”

The CaSSG section 14.103 states that “The objective of a SAB is to help and protect adults who have needs for care and support, who are experiencing or are at risk of abuse or neglect, and as a result of their needs are unable to protect themselves from abuse or neglect. This is whether or not the adult is having their needs met or they meet the local authority’s eligibility criteria for care and support services.”

1.3.2.1 Specific Functions of a SAB -

Section 14.100 of the CaSSG outlines the three main functions of a SAB -

- It must publish a Strategic Plan for each financial year that sets out how it will meet its main objective and what the members will do to achieve this. The SAB must consult the local Healthwatch organisation and local community. The plan should be evidence-based and make use of all available evidence and intelligence from partners.
- It must publish an Annual Report detailing what the SAB has done during the year to achieve its main objectives and implement its Strategic Plan and what each member has done to implement the strategy, as well as detailing the findings of any Safeguarding Adults Reviews (SARs) or any ongoing reviews.
- It must conduct any Safeguarding Adults Review.

1.3.3 Duty to cooperate

“Local authorities must cooperate with each of their relevant partners, and those partners must cooperate with the local authority, in order to protect adults with care and support needs experiencing or at risk of abuse or neglect.” (CaSSG Section 14.26)

Relevant partners are outlined as follows –

- Any other Local Authority, where appropriate
- NHS England
- Clinical Commissioning Groups
- NHS Trusts and NHS Foundation Trusts
- Job Centres
- Police
- Prisons
- Probation Services

1.3.4 Offer Advocacy

The Care Act places a duty on Local Authorities to “arrange, where appropriate, for an independent advocate to represent and support an adult who is the subject of a safeguarding enquiry or Safeguarding Adult Review where the adult has ‘substantial difficulty’ in being involved in contributing to the process and where there is no other appropriate adult to assist. A person who is engaged professionally to provide care or treatment for the adult in question cannot be an advocate.” (CaSSG Section 14.76)

1.3.5 Making Safeguarding Personal (MSP)

The CaSSG embeds this concept into Safeguarding Adults and SABs must implement this across all Safeguarding Adults activity.

This approach captures the adult’s personal outcomes and places them at the centre of safeguarding where possible, to optimise their participation, choice, control, quality of life, wellbeing and safety. An adult’s level of mental capacity is taken into account and the principles of the Mental Capacity Act 2005 are applied.

1.4 The joint protocol between strategic partnerships in Medway states that the KMSAB Annual Report must be presented to the HWB to ensure coordination and coherence.

1.5 The KMSAB has a pooled budget made up of contributions from its key partners –

- Kent County Council
- Medway Council
- Local Health Commissioners and Providers
- The Office of the Police and Crime Commissioner
- Kent Fire and Rescue Service

2. Background

- 2.1 Medway Council's duty is met through a joint SAB with Kent County Council, The Kent and Medway Safeguarding Adults Board (KMSAB). The KMSAB appointed an Independent Chair, Deborah Stuart-Angus, in December 2015.
- 2.2 Medway Safeguarding Adults Executive Group (MSAEG) was established in 2016, bringing together senior representatives from key agencies responsible for the effective delivery of Adult Safeguarding in Medway. It works collaboratively to deliver the strategic priorities of the Kent and Medway Safeguarding Adults Board, strengthening local delivery, oversight and governance.
- 2.3 The following agencies are currently represented on the KMSAB: Medway Council, Kent County Council, Kent Police, Acute Trusts, Clinical Commissioning Groups, Community Health Trusts, Kent and Medway NHS and Social Care Partnership Trust, NHS England, Kent Surrey and Sussex Community Rehabilitation Company, National Probation Service, Kent Fire & Rescue Service, Prison Service, both Kent and Medway Community Safety Partnerships, Healthwatch, District Councils, Advocacy Services, Housing providers, elected Members from both Kent County Council and Medway Council and representatives from independent provider organisations.
- 2.4 The KMSAB Constitution was signed off by the Board at their June 2016 meeting. This constitution details how the Board will operate, outlines roles, responsibilities and governance arrangements. Work to develop the Board's strategic plan for 2018-2021 has commenced. The outcome of this will determine the future structure of the Board and related working groups.
- 2.5 The KMSAB currently meets quarterly and is supported by the following subgroups:
 - Learning and Development Working Group
 - Quality Assurance Working Group
 - Safeguarding Adult Review Working Group
 - Policy, Protocols and Guidance Working Group
 - Risk Threats and Vulnerabilities Working Group, this is a joint working group with Medway Safeguarding Children's Board and Kent Safeguarding Children's Board

3. KMSAB Annual Report 2016-17 summary

- 3.1 The KMSAB Annual Report 2016-17 was endorsed by the KMSAB on 15 September 2017 and includes –
 - An overview of Safeguarding Adults activity in a national and local context.
 - A summary of how the KMSAB delivered against priorities set for 2016 – 2017
 - Details of the current multi agency training.
 - Financial arrangements and budget.

- Separate partner highlights including individual key achievements, challenges and future plans.
- Presentation and analysis of Safeguarding Adults activity data.
- Priorities for 2017-18.

3.2 Key achievements for KMSAB include:

- Board members arranged and delivered a safeguarding adults awareness raising campaign from 3 – 7 October 2016, it was centred on the theme “Abuse: See It, Report It, Stop It”. The campaign provided general information on how to identify and report abuse, and the support and services available for those at risk or experiencing abuse. The campaign received positive feedback and there has been an increase in referrals.
- The Learning and Development Working Group led on a significant project to review the course structure and content for the Board’s multi-agency training programme. The group designed a new training specification and drew up the commissioning and tender strategy for the new training offer. The tender process was successful and a contract was awarded.
- In response to an increase in the number of commissioned SARs, the Board established a Safeguarding Adults Review Working Group to strengthen quality assurance processes and to oversee the progress of SAR action plans and related learning.
- A multi Agency Case Audit process has been established to create further scope for delivering learning from case analysis, enabling practice improvement.

3.3 The key achievements for Medway Council, detailed in the KMSAB Annual Report are:

- Adult Social Care have successfully responded to, and managed, the increased number of safeguarding adult alerts received, with a 15% increase in the number of alerts progressing to an Enquiry.
- Medway Council has an established working relationship with the safeguarding team at Medway Foundation Trust (MFT). Operations Managers attend scrutiny meetings and the MFT Quality Assurance Group. As a result of this we are now working to achieve consistent practice across the Trust and the Council.
- The Deprivation of Liberty Safeguards (DoLS) team also have a good working relationship with the MFT safeguarding team, ensuring oversight of cases referred. The DoLS team work with the Quality Assurance team in the Council to highlight issues within care homes which require improvement and to ensure good working relationships for the benefit of residents.

3.4 Medway Council’s key challenges

- DoLS applications continue to be a challenge for the Council. Applications continue to increase although this slowed slightly in the year 2016/17 compared to the rise from 2014/15 to 2015/16. Cases are

prioritised according to ADASS tool however, there is a steady increase in objections requiring application under s21A to the Court of Protection. The DoLS risk assessment has been updated.

- Managing safeguarding adults work has been a challenge under the process of the restructure in Adult Social Care which was completed in September 2017.
- Domestic Abuse governance arrangements have been discussed at CMT to ensure oversight from Adult Social Care.
- Implementing Making Safeguarding Personal across all our partners.
- Assessment and authorisation of DoLS applications in a timely manner.

3.5 Medway Council future plans for 2017-2018 -

- Development of a Performance and Quality Framework.
- Devise an action plan to improve practice across the service to ensure that Medway Council is Making Safeguarding Personal compliant.
- A human trafficking and modern day slavery action plan is being developed within the Council with colleagues from Medway Children's Safeguarding Board and the Community Safety Partnership.
- Developing arrangements for community volunteers to promote Making Safeguarding Personal locally.

4. Medway Council data commentary

- 4.1 Medway Council staff attendance at KMSAB Safeguarding Adults training over 2016-2017 has significantly increased in comparison to the 2015-16 returns. 31 people attended the Level B course (Guide to Undertaking Enquiries) as opposed to 19 the previous year (an increase of 63%), whilst 21 Medway staff attended the Level C course in Decision Making and Accountability in Safeguarding, an increase of 133%.
- 4.2 Staff members have attended other safeguarding training not provided by the KMSAB and therefore not highlighted in the KMSAB Annual Report. The number of attendees has dramatically increased for 2016-2017 in comparison to 2015-2016. 33 members of staff attended Level 1 Awareness training in 2016-2017 in comparison to 13 the previous year, 24 members of staff attended the Level 2 Safeguarding Adults for Practitioners course in 2016-2017 in comparison to a zero return the previous year. This could still be improved upon and it is hoped to achieve this through Continual Professional Development. A skills audit has been completed summer 2017 to identify ongoing staff training needs for the year ahead.
- 4.3 The number of Safeguarding Adult concerns recorded has increased by 3% since 2015-16 and the number of cases progressing to a Safeguarding Enquiry rose by 15%, of those 281 were Section 42 Enquiries and 27 were non-statutory Enquiries. The increase is suggested by intelligence to be partially due to greater awareness of safeguarding adults through events such as the 'Safeguarding Awareness Week'.

- 4.4 The divide of age and gender statistics in relation to alleged victims remains fairly consistent with 2015-2016 figures, with marginal increases of about 1% for the age ranges of 65-74 and 75-84 and consistent gender figures.
- 4.5 After closure, the highest proportion of cases in Medway where action had been taken resulted in the risk being reduced (57%), followed by the risk being removed (29%). Cases where the person remains at the same level of risk has now been analysed and stands at 14%.
- 4.6 The highest percentage of the total number of cases concluded were non-substantiated at 32% (an increase of 1% on 2015-2016 returns) followed by substantiated (29%, an increase of 5%), not determined/inconclusive (16%, a fall of 5%), partly substantiated (16%, an increase of 1%) and investigation ceased at the request of the individual. (7%, a decrease of 2%).
- 4.7 Analysis has taken place on the reduction of the number of cases concluded as “not determined/inconclusive” – and this has shown a fall by 5% as reported above. This has been achieved through strategies to strengthen investigatory skills (training and supervision) and applying evidence informed practice to determine outcomes based on the balance of probability. Furthermore, analysis of cases concluded as “investigation ceased at the request of the individual” shows a reduction by 2% to 7% which is encouraging.
- 4.8 There has been an improvement in the recording of statistics on the system, as demonstrated for example by the fact that in 2015-2016, 16% of cases were recorded with an unknown ethnicity, and this has reduced in the last year to 10%.

5. Minutes of Discussion at the Health and Wellbeing Board

- 5.1 The KMSAB Annual Report 2016-17 was considered by the Health and Wellbeing Board on 7 November 2017. The minutes of this discussion were as follows:

5.2 Discussion

The Interim Director of Adult Social Care introduced the report. The Board was informed that the Care Act 2014 placed Safeguarding Adults on a statutory footing and also defined the responsibilities of local authorities and key partners.

- 5.3 Adult safeguarding boards also had a responsibility to ensure that people who did not have specific care and support needs were also safeguarded as appropriate. The three main functions of the Kent and Medway Safeguarding Adults Board (KMSAB) were to produce a Strategic Plan, to publish an annual report and to undertake any required safeguarding adult reviews. The Strategic Plan was currently being refreshed. Work had been undertaken locally to raise the profile of Medway to ensure that it had a strong voice within KMSAB.
- 5.4 Key achievements of the Board had included running a safeguarding awareness week in October 2016. This had been repeated recently. The awareness raising had resulted in an increase in safeguarding referrals. There

had previously been a low uptake of safeguarding multi agency training. In order to address this, a training programme had been developed and a contract awarded for delivery of the training. Previous safeguarding outcomes had been utilised to inform design of the training. The number of commissioned safeguarding adults reviews had increased. As a result, a safeguarding adult review working group had been established to help ensure that reviews were carried out consistently and lessons learned.

- 5.5 Medway Council achievements had included the creation of a Medway Executive group, which was a subgroup of KMSAB. The subgroup was supported by Councillors, Medway Foundation Trust, Kent and Medway Partnership Trust, Kent Police and Kent Fire and Rescue. The focus of the subgroup was on outcomes for Medway residents.
- 5.6 The Deprivation of Liberty Safeguards (DoLS), which aims to ensure that people in care homes and hospitals are looked after in a way that does not inappropriately restrict their freedom, continued to be a risk for KMSAB. Relationships had been developed and work undertaken to ensure that restrictions put in place were properly understood by staff at all levels. The number of DoLS applications had increased with it being anticipated that the peak had been reached. Work was required in relation to thresholds for the commencement of further investigations.
- 5.7 The profile of domestic abuse had been raised, with Adult Social Care being provided with oversight of domestic abuse incidents. Efforts were also being made to ensure that safeguarding activity was personal to the affected individual. A survey had been undertaken of people who had gone through safeguarding and there had been a significant increase in the uptake of safeguarding training. Staff from the Council and partner organisations were attending external training and bringing back the learning to share with colleagues.
- 5.8 Safeguarding concerns raised had increased by 3% while the number of people whose risk has been reduced as a result of intervention was 57%. This was considered to be reasonably high given that individuals were able to choose whether to participate in an investigation about them. Analysis had been undertaken in relation to the reduction in the number of cases concluded that were inconclusive. This had fallen by 5% due to improvements in the knowledge and skills of staff carrying out safeguarding work.
- 5.9 In response to a Health and Wellbeing Board Member question about the reasons for the reduction in the percentage of safeguarding concerns raised by family members and how this compared to other areas, the Interim Assistant Director of Adult Social Care said that information would be circulated to the Board.
- 5.10 **Decision**

The Health and Wellbeing Board noted the Annual Report, made comments and considered implications for the Health and Wellbeing Board.

6. Risk management

- 6.1 While there are no specific risks identified, the KMSAB Annual Report 2016-17 presents an analysis of Safeguarding Adults activity, to raise awareness of abuse, prevent it occurring and ensure a timely and effective multi agency response when it occurs.
- 6.2 Further work is planned to manage the increase in DoLS workload.

7. Financial implications

- 7.1 The KMSAB Annual Report is funded by the KMSAB. There are no direct financial implications for the Council arising from this report.

8. Legal implications

- 8.1 Section 43 (1) of The Care Act states that “Each Local Authority must establish a Safeguarding Adults Board (“SAB”) for its area”
- 8.2 The CaSSG section 14.103 further states that “The objective of a SAB is to help and protect adults who have needs for care and support, who are experiencing or are at risk of abuse or neglect, and as a result of their needs are unable to protect themselves from abuse or neglect. This is whether or not the adult is having their needs met or they meet the local authority’s eligibility criteria for care and support services.”
- 8.3 The production of the KMSAB Annual Report is in accordance with the duty outlined in the Care Act 2014. The report is within the remit of the Committee to note and comment upon.

9. Recommendations

- 9.1 The Committee is asked to note the Annual Report and make any comments.

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Appendices

Appendix 1 – The Kent and Medway Safeguarding Adults Annual Report 2016-17.

Background Papers

None.