

Hampshire Safeguarding Adults Board

Policy and Practice Update December 2013

This bulletin provides a summary of recent national policy news, publications, consultations and articles relating specifically to adult safeguarding. A brief summary and link to the original webpage document is provided for each item.

Care Homes	<u>Care homes face crackdown on abuse</u>
Published By: LGiU, The Guardian	
<p>Summary: An article highlighting care homes will face prosecution if they do not report concerns that their staff are mistreating patients under social care legislation to be published this month. The "duty of candour" on social care providers, a recommendation in the Francis report into the Mid Staffs NHS scandal, will be set out by Health Secretary Jeremy Hunt and would mean industry executives would have to tell health regulators if they thought their employees might be harming or neglecting elderly people.</p> <p>Date of Publication: 8th May 2013</p>	

Learning Disability	<u>Lamb vows to name and shame councils who fail on Winterbourne targets</u>
Published By: Community Care	
<p>Summary: An article in which Norman Lamb has said there will be "no hiding place" for councils and NHS bodies who fail to meet targets designed to help move people with learning disabilities out of hospitals in the wake of Winterbourne View. The care services minister said failing councils and NHS clinical commissioning groups (CCGs) would be "named and shamed" in a progress report, expected next month, on the government's programme to improve care for people with learning disabilities or autism and "challenging behaviour."</p> <p>Date of Publication: 5th June 2013</p>	

Older People	<u>What older people need is not choice, but companionship</u>
Published By: The Guardian	
<p>Summary: An article outlining the Government's aim is to give older people a wide choice of care options, but what they really need is to be included in society. Government policies for older people's care aim to offer them choice and control over their support. This choice-based approach reflects similar developments in support for working-age disabled adults, and has come to underpin many of our public services. But the choice to remain an active, valued and included member of the local community has become increasingly out of reach to many older people.</p>	
Date of Publication: 11 th June 2013	

Workforce Development	<u>Workforce development and people whose behaviour challenges</u>
Published By: Skills for Care	
<p>Summary: This strategic guidance, which has been developed in partnership with people, families, employers and commissioners to help with decision making around workforce development in the context of people who may challenge; is aimed at adult social care employers and commissioners working specifically with adults with a range of support and care needs such as older people with conditions across the dementia spectrum, people with mental health and personality conditions, and those with learning disabilities who have particularly complex needs and/or are labeled as challenging services. The guide will help employers with developing competency and expertise in providing support to people who challenge, across different groups.</p>	
Date of Publication: June 2013	

DOLS	<u>EHRC develops plans for a S.16 inquiry into Deprivation of Liberty Safeguards</u>
Published By: Local Government Lawyer	
<p>Summary: An article which highlights the Equality and Human Rights Commission is developing proposals for a formal inquiry that would examine policy and practice in care homes and hospitals in relation to the Deprivation of Liberty Safeguards. The Section 16 Inquiry, if it went ahead, would analyse the effectiveness of the safeguards and "ensure the rights of people in extremely vulnerable situations are protected".</p>	
Date of Publication: 12 th June 2013	

Safeguarding	<u>Helping social workers resolve intractable adult safeguarding cases</u>
Published By: Community Care	
<p>Summary: An article outlining how one council has adapted family group conferencing to an adult protection context to help social workers deliver good outcomes in cases where individuals choose to remain in harmful situations - and save money in the process.</p> <p>Date of Publication: 12th June 2013</p>	
Domiciliary Care	<u>Whistle-stop care still puts vulnerable at risk</u>
Published By: The Independent	
<p>Summary: An article which highlights that three-quarters of Britain's councils are still giving elderly and vulnerable people controversial "whistle-stop" home visits which the Government previously branded inhumane. Speeded-up 15-minute care visits continue to be used by a majority of councils, figures given exclusively to The Independent on Sunday show. Experts said that the Government's failure to bring an end to the "cruel" practice was evidence that the social care system was "in crisis".</p> <p>Date of Publication: 16th June 2013</p>	
Mental Health	<u>The National Confidential Enquiry into Suicide and Homicide by People with a Mental Illness</u>
Published By: Centre for Mental Health and Risk	
<p>Summary: The number of mental health patients who have died by suicide has hit its highest level in the 10-year-period analysed by a national inquiry into the issue, according to new figures. The latest annual report by the National confidential inquiry into suicide and homicide by people with mental illness recorded 1,333 mental health patient suicides in England in 2011, up from 1,175 in 2010. The "difficult economic circumstances" facing many people is likely to lie behind the rise, researchers said. The research team behind the study called for services to step up safety measures for mental health patients receiving home treatment, after data showed there are now twice as many suicide deaths among community patients as those in inpatient care.</p> <p>Date of Publication: 4th July 2013</p>	

The Care Bill	<u>The Care Bill 2013 and Adult Social Care</u>
Published By: Local Government Lawyer	
Summary: Due to become law by 2016, this article explains that the Care Bill addresses three key areas of health and social care: Part 1: the major reform of adult social care law; Part 2 health reforms in response to the Francis Inquiry; Part 3, arrangements for Health Education and Health Research. This article looks at Part 1.	
Date of Publication: 4 th July 2013	

Corporate Accountability	<u>Consultation - Strengthening corporate accountability in health and social care</u>
Published By: Department of Health	
Summary: This consultation asks for views on proposals to hold providers of health and social care to account where there are serious failures in care.	
Date of Publication: 4 th July 2013	
Consultation ends: 6 th September 2013	

Mental Health	<u>Statistics on 'record low' mental health homicides are only part of the picture</u>
Published By: Community Care	
Summary: A new report on the scale of mental health homicides is a useful contribution to the debate but we need to be wary of claims that there were just 33 cases in 2010, writes Julian Hendy.	
Date of Publication: 5 th July 2013	

Older People	<u>Consultation – Right care, right place, right time, how can we improve care for vulnerable older people</u>
Published By: Department of Health	
<p>Summary: The Health Secretary has announced he is seeking views on a set of proposals to improve care for vulnerable older people. Over the summer, the Department of Health is seeking views on these proposals. The final plan will be published in October and will be reflected in the refreshed Mandate to NHS England for 2014 to 15. The proposals include:</p> <ul style="list-style-type: none"> • Every vulnerable older person having a named clinician responsible for their care outside of hospital, ensuring accountability is clear and care packages are personalised and tailored around individual needs. • better early diagnosis and support to stay healthy • improving access to primary care through new types of services such as rapid walk-in access services, helping patients connect with their GP in different ways through new technology, making booking appointments easier providing consistent and safe out-of-hours services • enhancing choice and control by rolling out the friends and family test to general practice by December 2014, giving more choice about location and type of service such as seeing a preferred GP or nurse and the option of doing this face-to-face or by email and telephone • better sharing of information and joining up services so care can be provided in a coordinated way <p>Date of Publication: 5th July 2013</p>	

Palliative Care	<u>A time and a place: What people want at the end of life</u>
Published By: Sue Ryder	
<p>Summary: This report by Demos and the charity Sue Ryder, finds that the emphasis on dying at home is at the expense of a personalised service, freedom from pain and discomfort and says that not enough has been done to review the experience of dying at home. The report found that 78% of respondents said their main priority at the end of their lives was a pain-free death. This was followed by being surrounded by loved ones (71%), having privacy and dignity (53%) and being in familiar, peaceful surroundings (45%). However, while 63% of people wanted to die at home, only 27% felt that home was a place where they would be free from pain during their final days. The report recommends that more specialist medical care to manage pain needs and increased emotional support for families should be offered in the comfort of people’s homes during their last few months, weeks and days of life.</p> <p>Date of Publication: 9th July 2013</p>	

NHS	<u>Briefing – Updated NHS priorities for 2014 -2015</u>
Published By: LGiU	
<p>Summary: The Department of Health is running two consultations to update priorities for the NHS in light of recent developments including: responses to the scandals at Stafford Hospital and Winterbourne View home for people with learning; disabilities; 'unprecedented' pressures on accident and emergency departments and on-going financial pressure. The proposals for the refreshed mandate generally build on existing priorities by firming up, accelerating or extending commitments. This briefing examines the proposals.</p>	
Date of Publication: 10th July 2013	

Dementia	<u>Elderly dementia patients receive poor hospital care, audit finds</u>
Published By: The Guardian Professional	
<p>Summary: This article highlights that the number of elderly people receiving hospital assessment is 'alarmingly low' in spite of growing numbers needing treatment. People with dementia are experiencing poor care in hospital, according to a national audit. A team from the Royal College of Psychiatrists says the number of elderly dementia patients who received an assessment in hospital of their mental state or delirium was "alarmingly low." Many get acutely confused when admitted to hospital, but less than half the 7,987 patients in the audit were assessed.</p>	
Date of Publication: 12 th July 2013	

Care Delivery	<u>Promoting care and compassion in health and social and social care settings</u>
Published By: LGiU	
<p>Summary: The independent Cavendish review was commissioned by the government to consider how to ensure that unregistered staff in the NHS and social care delivers care with skill and compassion. It makes recommendations for training, career development, leadership and 'time to care' including: new national certificates of competence undertaken by healthcare assistants and social care support workers together where possible; statutory guidance to require councils to include travel time in homecare contracts. This report clearly sets out the challenges of ensuring a skilled and caring workforce in the NHS and social care and also presents some practical recommendations.</p>	
Publication Date: 15 th July 2013	

Making effective use of data and information	<u>Effective Use of Data and Information</u>
Published By: ADASS	
Summary: This guidance explains how LSAB's can make effective use of data and information to improve safety and quality in adult safeguarding	
Date of Publication: July 2013	

Elder Abuse	<u>Increase in Abuse of Older People</u>
Published By: Age UK	
Summary: A study by Age UK claims that the number of older people suffering abuse has risen by more than a quarter. Three hundred suspected cases were reported to local authorities every day last year – a total of around 105,000, up from 82,000 in 2011.	
Date of Publication: 5 th October 2013	

Mental Health Trust failed to safeguard patients from abuse	<u>CQC Issue Warning Notice to Mental Health Trust</u>
Published By: Community Care	
Summary: The CQC issued a warning notice to a mental health trust after inspectors found that staff at one of its services failed to act properly on safeguarding concerns. The West London Mental Health Trust had failed to protect patients at The Limes, an NHS unit run as a nursing home for people with dementia, from abuse. Staff did not understand their responsibility to report incidents to the local authority safeguarding team, inspectors found.	
Publication Date: 9 th October 2013	

Winterbourne View	<u>Research: Winterbourne View: have the lessons been learned?</u>
Published By: The Guardian Professional	
Summary: New research highlights the importance of creating accountable services for adults with learning disabilities and autism. Research published in the Journal of Adult Protection highlights the need to develop accountable and valued services for adults with learning disabilities and autism. It explores how corporate bodies could be held criminally responsible for abuse and neglect, and proposes ways of making better use of mental health legislation.	
Publication Date: 10 th October 2013	

Modern Slavery	<u>Home Secretary begins evidence sessions on modern slavery</u>
Published By: Home Office	
Summary: The Home Office has launched evidence sessions and a consultation on modern slavery. The findings will feed into a draft Modern Slavery Bill that the government intends to publish this session for pre-legislative scrutiny. The aim is to introduce a bill next session that could be passed and on the statute books by the end of this parliament.	
Publication Date: 11 th October 2013	

Home Care Commissioning	<u>Care Minister announces proposals to deal with rushed care visits</u>
Published By: Department of Health	
Summary: Fifteen minute home care slots have been identified as the type of commissioning that could lead to poor quality provision. Care Minister Norman Lamb announced that the CQC would examine the impact of short visits and staff working conditions on the quality of home care. From next year it will question whether visits are long enough to meet people’s needs, whether care is delivered with compassion and respect, and the impact of zero hour contracts and staff turnover. ADASS released a press notice saying that 15 minute visits were appropriate in some situations, while Lord Howe refused government support to an amendment to the Care Bill to set a 30 minute minimum for home care visits on the grounds that this was task rather than outcome based; he pointed to another amendment in the Care Bill – that councils should consider the impact of commissioning decisions on individuals’ wellbeing	
Date of Publication: 17 th October 2013	

Home Care	<u>Home care and home care workers: recent reports from EHRC, Unison and Leonard Cheshire</u>
Published By: LGiU	
Summary: A number of recent reports have drawn attention to the quality of home care and to threats to their human rights and dignity. All the reports are based on surveys of local authorities, service users and/or care workers and/or FOI requests to local authorities. The reports make links between the quality of care and the pay and conditions of home care workers. Of particular concern are the lack of awareness among some local authorities and councillors of their responsibilities in relation to human rights legislation; the ceilings which some authorities are putting on the rates they will pay service providers and the fact that some care workers are not paid for the time they take to travel between visits. Attention is also drawn to the question whether visits of 15 minutes or less are ever adequate to provide appropriate care – an issue which has been raised by Ministers.	
Publication Date: 22 nd October 2013	

Care Worker Registration	<u>HCPC proposal for registration and regulation of care workers</u>
Published By: The Guardian Professional	
<p>Summary: Anna van der Gaag, Chair of the Health and Care Professionals Council has proposed there should be a 'negative register' of those who are not considered fit to work in social care and that regulation of all those employed in the care of vulnerable people is needed, not just those whose qualifications give them more responsibility. As an independent regulator of 315,000 health, psychological and social work professionals, the HCPC has already recommended to government a "negative registration scheme" for adult social care workers. The proposed scheme includes a statutory code of conduct based on core principles such as respect, honesty, integrity and confidentiality. This would complement existing initiatives to raise standards across the sector, including the work of the skills councils to develop a code of conduct for support workers, as well as government's recent proposals for a new "care certificate" for the workforce.</p>	
Date of Publication: 25 th October 2013	

New inspection system for social care	<u>New approach to inspecting social care services</u>
Published By: LGiU	
<p>Summary: The Care Quality Commission has announced proposals for a new system for monitoring, inspect and regulating social care services and for monitoring performance ratings. A new approach to monitoring the finances of some adult social care providers will be introduced (those that would be difficult to replace if they were to go out of business). The changes will be introduced under the leadership of the new Chief Inspector of Adult Social Care, Andrea Sutcliffe. CQC will be carrying out formal consultation on the proposals in Spring 2014, some changes will be introduced from April 2014 and tested in Summer 2014, with all the changes including new ratings of care providers in place from October 2014 (subject to enactment of the Care Bill).</p>	
Date of Publication: 29 th October 2013	

DOLS	<u>Deprivation of liberty safeguards: putting them into practice</u>
Published By: SCIE	
<p>Summary: The Social Care Institute for Excellence has produced a guide for social workers, care homes, hospitals and others to improve practice in applying DOLS. The aim is to promote more consistent good practice following findings of large local and regional variations</p>	
Date of Publication: 6 th November 2013	

Health and Well Being Boards	<u>Health and Wellbeing Boards One Year On</u>
Published By: LGiU	
<p>Summary: This study by the Kings Fund indicates that generally boards are making good progress. Overall there are good relationships between local authorities and CCGs; most boards are led by a senior councillor and many have vice chairs from CCGs. The highest priorities in most boards relate to public health and health inequalities, but as yet there is 'little sign as yet that boards have begun to grapple with the immediate and urgent strategic challenges facing their local health and care services'. Boards recognise that they need to up their game from partnership forums to local leaders. The report indicates that the HWB role in signing off local plans for the Integration Transformation Fund will be 'an important test of readiness'</p>	
Date of Publication: 6 th November 2013	

Duty of Candour	<u>Duty of Candour</u>
Published By: LGiU	
<p>Summary: The Government has proposed an amendment to the Care Bill which allows for secondary legislation to introduce a duty of candour for things go badly wrong in the NHS as agreed in the Government's response to the Francis Report on Mid Staffordshire NHS Foundation Trust. There is no detail on the circumstances in which the duty would be applied e.g. in cases of death, permanent disability or more widely.</p>	
Date of Publication: 6 th November 2013	

Right to Advocacy	<u>Right to Advocacy</u>
Published By: LGiU	
<p>Summary: The government has introduced an amendment to the Care Bill to give service users and carers a right to an independent advocate to help them participate in assessment, care planning or safeguarding. The right will only apply for those with significant difficulty understanding and communicating and who have no one to speak on their behalf.</p>	
Date of Publication: 6 th November 2013	

Adult Social Care Performance Assessment	<u>Adult Social Care Performance Assessment</u>
Published By: LGiU	
<p>Summary: The government tabled an amendment to the Care Bill to remove the duty on the CQC to make routine checks on adult social services departments (this duty fell into disuse with the re-organisation of the CQC in 2010 and was replaced by a range of measures under the banner of Towards Excellence in Adult Social Care. Health Minister Lord Howe indicated that the CQC would be able to inspect councils through ‘special reviews’ where there was evidence of systematic failure of commissioning leading to failings in provision; improvement notices could result, or special measures for those with substantial failings. The amendment was passed by the Lords where former Health Minister Lord Warner pointed out that the CQC would have to ask the secretaries of state for health and for local government to undertake a special review. Lord Howe pointed to a number of measures to assess council performance e.g. forthcoming statutory commissioning guidance stemming from the Care Bill; comparable information through the adult social care outcomes framework to enable local people to challenge performance and the role of local Health Watch in raising concerns. Care Minister Norman Lamb and CQC Chief Executive David Behan have expressed concerns that sector-led improvement may not be able to tackle those councils at risk of failure; Behan continues to point to the need for a role for the CQC.</p>	
Date of Publication: 6 th November 2013	

Care homes more associated with abuse than with safety, finds poll	<u>Report: Care Homes more associated with Abuse Opinion Poll</u>
Published By: Age UK	
<p>Summary: The poor public perception of care homes has been underlined by a poll that reveals they are more associated with abuse than with safety. Just 24% of people said they would consider moving into a care home if they became frail in older age, found the poll of 2,050 adults commissioned by think tank Demos. Forty three per cent of people said they would not consider moving into a care home and over half of this group (54%) said this was because of a fear of abuse or neglect, a much higher proportion than for those who feared having to sell their home to cover costs (33%). The terms most associated with care homes were “boredom” (48%), “loneliness” (42%) and “illness” (38%), while “isolation”, “abuse” and “uncaring” were all more associations than “safety” (22%), the first positive answer. The poll will feed into the think-tank’s year-long Commission on Residential Care which was launched in July to examine how care homes can become a more valued part of the spectrum of housing and care for older people.</p>	
Date of Publication: 13 th November 2013	

<p>The slave trade is alive and kicking in Britain as thousands are held captive</p>	<p><u>Article: Slave Trade Alive and Kicking</u></p>
<p>Published By: Metro</p>	
<p>Summary: Last month, the first ever Global Slavery Index revealed there are 29.8m people living as slaves in 162 countries. Britain is not immune to the problem and even though it is ranked 160th on the list, there are still more than 4,000 slaves here, an estimate that the index judges to be 13 Nov 2013 conservative. The Serious Organised Crime Agency (SOCA) identified more than 2,000 potential victims of human trafficking in Britain last year. Slavery can be found in brothels, households (domestic servitude), drug farms, nail bars, building sites and factories across Britain. It's such a pressing issue both domestically and internationally – the US State Department believes human trafficking is the second largest illicit trade on the planet after drugs – that the government here is introducing legislation early next year to tackle the problem. Charities working with victims of human trafficking see the forthcoming Modern Slavery Act as pivotal in raising awareness of the complexities of human trafficking, ensuring proper support for victims and deterring traffickers through tougher sentences and asset-stripping.</p>	
<p>Date of Publication: 13th November 2013</p>	

<p>GP's to oversee social care for vulnerable adults</p>	<p><u>GP's to oversee Social Care for Vulnerable Adults under Patient Contract Changes</u></p>
<p>Published By: Community Care</p>	
<p>Summary GPs will oversee social care for vulnerable patients under changes to their contracts announced by Health Secretary Jeremy Hunt. Family doctors will “case manage proactively” patients with complex needs by developing and regularly reviewing personalised care plans that will cover health and social care needs, under their contracts for 2014-15. Each vulnerable person will have a named accountable GP and care coordinator but it is not clear whether coordinators will come predominantly from the NHS or whether this could be a role for social workers. Also, the relationship between GPs’ oversight of integrated care plans for people with complex needs and local authorities’ responsibility for their social care has not been set out. Under other changes, care homes will be able to call GPs for advice on decisions about hospital admissions, and GPs would be asked to regularly review emergency admissions from care homes.</p>	
<p>Date of Publication: 15th November 2013</p>	

<p>IMCA's need more powers to challenge</p>	<p><u>Independent Mental Capacity Advocates need power to challenge social workers</u></p>
<p>Published By: Community Care</p>	
<p>Summary: Independent mental capacity advocates need more power to challenge social workers, House of Lords told. IMCAs should be commissioned independently of local authorities to enable them to effectively support people under the Mental Capacity Act.</p> <p>Date of Publication: 20th November 2013</p>	
<p>Official figures released reveal the full extent of neglect</p>	<p><u>Thousand Plus Care Home Residents die thirsty</u></p>
<p>Published By: Telegraph</p>	
<p>Summary: More than 1,000 care home residents have died of thirst or while suffering severe dehydration over the past decade. Figures obtained by the Telegraph under freedom of information laws found that 1,158 care home residents suffered dehydration-related deaths between 2003 and 2012. Dehydration was named as either the underlying cause of death or a contributory factor, according to analysis of death certificates by the Office of National Statistics. Some 318 care home residents were found to have died from starvation or when severely malnourished, while 2,815 deaths were linked to bed sores. The real figures are likely to be far higher because residents who died while in hospital were not included.</p> <p>Date of Publication: 2nd December 2013</p>	