

Hampshire Safeguarding Adults Board

Policy and Practice Update June 2015

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 Act 2014	<u>Care Act Statutory Guidance 2014</u>
Published by: Department of Health	
<p>Summary: This document sets out statutory guidance on how the Care Act will work and the various 'must dos' and 'should dos' for local authorities. The Department of Health has also published a series of Care Act factsheets which provide summary of the key messages around various parts of the Act. The government has also published the final regulations for Part I of the Care Act which are essentially the nuts and bolts of several key parts of the Act, including eligibility criteria. An easy read summary of the Care Act guidance has also been published.</p>	
Date of Publication: October 2014	

Safeguarding Practice	<u>Gaining access to an adult suspected of being at risk of neglect or abuse</u>
Published By: Social Care Institute of Excellence	
<p>Summary: The aim of this guide is to clarify existing powers relating to access to adults suspected to be at risk of abuse or neglect. The guide has been created to provide information on legal options for gaining access to people who fulfill the three criteria above where access is restricted or denied. It is intended as a source of ready reference in situations of uncertainty, rather than as a learning tool, laying out the potential routes to resolution. The Guide is designed to help councils carry out their Care Act 2014 duty to make enquiries where they reasonably suspect a vulnerable adult is at risk of abuse or neglect in cases where they cannot access the person to determine this. This would usually be because a third party – often a family member – was blocking access or preventing the adult at perceived risk from being seen alone with a practitioner.</p>	
Date of Publication: October 2014	

Domestic Abuse	<u>Adult Safeguarding and Domestic Abuse - a guide for practitioners (Local Government Association, 2015)</u>
Published by: Local Government Association and ADASS	
<p>Summary: This guide is for practitioners and managers in councils and partner agencies engaged in working directly or indirectly with people who have care and support needs, whose circumstances make them vulnerable, and who may also be victims of domestic abuse. Its purpose is to help staff to give better informed and more effective support to people who need an adult safeguarding service because of domestic abuse. It addresses situations where an adult who has care and support needs is being harmed or abused by an intimate partner or close family member in a way which could also be defined as domestic abuse.</p> <p>Date of Publication: January 2015</p>	

Making Safeguarding Personal	<u>Making safeguarding Personal - a toolkit for responses (Local Government Association, 2015)</u>
Published by: Local Government Association and ADASS	
<p>Summary: The toolkit is set out in a modular format with a summary of key areas. These areas range from models, theories and approaches to skills and areas of specialism that safeguarding practitioners need to be aware of. It can be used as a practitioner guide for pointers on how to respond to individual cases, or as a starting point resource for service development. It has been designed as a resource that will develop over time and allow updates and amendments to be made as development takes place or innovative and effective practice comes to light.</p> <p>Date of Publication: January 2015</p>	

DOLS	<u>DH letter to local authority and NHS MCA/DOLS leads</u>
Published by: Department of Health	
<p>Summary: The Department of Health has issued guidance on how practitioners should apply a landmark Supreme Court ruling on deprivation of liberty to terminally ill patients receiving palliative care in the last few weeks of their lives. The DH Mental Capacity Act policy lead, has written to local authorities and NHS bodies outlining how the ‘acid test’ set out in the Supreme Court’s ‘Cheshire West’ ruling in March of last year should apply to palliative care arrangements. The acid test sets out two questions that professionals should consider when determining whether an adult who has been assessed as lacking capacity to consent to their care arrangements is being deprived of their liberty or not: is the person subject to continuous supervision and control? And is the person free to leave? The court ruled that if both conditions of the ‘acid test’ are met, the person is deprived of their liberty. This means the care arrangements must be authorised via the deprivation of liberty safeguards (DOLS) if the care setting is in a care home, hospice or hospital; or via a Court of Protection order if the placement is outside of those settings (e.g. supported living).</p> <p>Date of Publication: 12th January 2015</p>	

Mental Health	<u>Mental Health Act 1983 - A code of practice</u>
Published By: Department of Health	
<p>Summary: A new code of practice for the Mental Health Act has been published marking the first revision to the code since 2008. The new code came into effect on 1st April 2015 and significant amendments include a new chapter on the interface between the Mental Health Act and Mental Capacity Act and updated chapters on the use of restraint and seclusion rooms.</p>	
Date of Publication: 15th January 2015	

Information sharing	<u>Care Act and Information Sharing Guide</u>
Published by: Social Care Institute of Excellence (SCIE)	
<p>Summary: This guide is part of a range of products to support implementation of the adult safeguarding aspects of the Care Act 2014 published by SCIE. Sharing the right information, at the right time, with the right people, is fundamental to good practice in safeguarding adults but has been highlighted as a difficult area of practice.</p>	
Date of Publication: 30th January 2015	

Learning disability	<u>National Audit Office report into care services for people with learning disabilities and challenging behaviour</u>
Published by: National Audit Office (NAO)	
<p>Summary: This report by the NAO highlights failings in how the government has failed to ensure local health and social care commissioners meet a target to end inappropriate hospital placements for people with learning disabilities in the wake of the Winterbourne View abuse scandal. The report found that the government left it to NHS England and local health and social care commissioners to deliver the Winterbourne View concordat's commitments to shift more care into the community. The concordat was established in 2012 and was the flagship policy for an improvement programme backed by £5m of funding from NHS England and the Department of Health. The policy was expected to deliver on a commitment to end all inappropriate learning disability placements by June 2014 – the government's key response to the Winterbourne View scandal. However, the concordat failed to meet this key target despite being backed by 51 organisations, including professional bodies and sector leaders from both health and social care. Official figures have revealed that more than 3,000 people with learning disabilities or autism were in inpatient units as of September last year. The concordat has since been superseded by a new 'transformation plan' led by NHS England. The NAO's review found that ministers had "underestimated the scale and complexity of the challenge" involved in discharging so many patients into the community. The government's ability to meet its targets had been "further weakened" by the fact that individual local authorities and NHS commissioning groups were not signed up to the concordat. It also highlighted the fact that the Department for Communities and Local Government did not sign up to the commitments.</p>	
Date of publication: 4th February 2015	

Hate Crime	<u>Heath and social care role in preventing hate crime</u>
Published by: Community Care	
Summary: This article explores the role of health and social care services in responding to hate crime. These agencies have an important role in preventing hate crime rather than it being seen purely as a criminal justice issue.	
Date of Publication: 5th February 2015	

Mental Health	<u>Health Ombudsman Report</u>
Published by: Parliamentary and Health Service Ombudsman	
Summary: The ombudsman published the findings of an investigation into the care a mental health service user received in the days before his death. Days before his body was found, Stephen Foster went to Norfolk and Norwich University Hospitals NHS Foundation Trust because he was feeling suicidal. He was admitted as an acute patient but was left on the ward for more than 16 hours without adequate support. When he was eventually assessed by a doctor, Foster was then forced to wait all night to be seen by a crisis team from Norfolk and Suffolk NHS Foundation Trust – the region’s mental health provider – despite several phone calls to the team. He was assessed by a mental health nurse from the crisis team at 9am the following morning. He was discharged and told to visit his GP surgery to request counselling. He was found dead three days later. An inquest reached a narrative verdict. The ombudsman found that the initial care provided by the acute trust was “inadequate”. However, the decision not to detain him under the Mental Health Act was reasonable. The failure of the mental health trust’s crisis team to attend and assess Foster promptly was “unreasonable” and the eventual assessment and discharge completed by the nurse was not comprehensive, the investigation found.	
Date of publication: 5th February 2015	

Modern Slavery	<u>Modern Slavery Act 2015</u>
Published By: Home Office	
Summary: The Modern Slavery Bill has received Royal Assent to become the Modern Slavery Act 2015. This is the first legislation in Europe to specifically target this crime. The Act will strengthen the response to modern slavery by giving law enforcement agencies the tools needed to tackle it and by making sure that perpetrators can receive up to a life sentence. The Modern Slavery Strategy puts victims at the heart of the response to modern slavery. This new Act significantly enhances support and protection for victims by introducing a statutory defence for slavery or trafficking victims to help ensure they are treated by the authorities as victims not criminals. The Act establishes the Independent Anti-slavery Commissioner who will drive forward the UK’s response to this crime, ensuring that the perpetrators are caught and prosecuted and that the victims are identified swiftly and are able to receive the support that they need.	
Date of Publication: March 2015	

PREVENT	<u>PREVENT Statutory Guidance</u>
Published By: HM Government	
Summary: This guidance has been issued for specified authorities in England and Wales on their duties under the Counter-Terrorism and Security Act 2015 which came into force in April, to have due regard to the need to prevent people from being drawn into terrorism.	
Date of Publication: April 2015	

4LSAB Safeguarding Policy and Guidance	Hampshire 4LSAB Safeguarding Adults Policy, Guidance and Toolkit May 2015
Published by: Hampshire Safeguarding Adults Board	
<p>This policy, guidance and toolkit has been developed by the Local Safeguarding Adults Boards (4LSAB) covering Hampshire and the Isle of Wight to meet the requirements of the Care Act 2014 and the Department of Health Statutory Guidance published in October 2014. It is designed to support current good practice in adult safeguarding and outlines the arrangements which apply to the whole of the 4LSAB area. Local guidance, specific to each Local Authority area, will be provided separately. The whole document will inform all those who have a role to play in adult safeguarding and each section can be used either as part of the whole document or independently.</p>	
Date of publication: May 15th 2015	

Mental Health	Article: End to mental health patients in police cells
Published by: Telegraph	
<p>Summary: The government has announced it will invest up to £15m and introduce new laws in a bid to ‘guarantee’ mental health patients will no longer be held in police cells due to problems accessing NHS units. Last year more than 4,000 people were held in police custody after having been detained under Section 136 of the Mental Health Act. The Act gives police the power to detain people to a place of safety. This should be an NHS unit or other health setting but problems with the availability and staffing of place of safety units has often left police officers with no option but to detain people to police cells. The new Policing and Sentencing Bill will include legislation to ban the use of police cells to detain children with mental health issues. The Bill will also ensure police cells are only used as a place of safety for adults if a person’s behaviour is so extreme they can’t otherwise be safely managed. The length of time a person can be detained under section 135 or 136 will also be reduced from 72 hours with the most likely proposal being to cut it to 24 hours.</p>	
Date of Publication: 20th May 2015	

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