

Hampshire Safeguarding Adults Board

Policy and Practice Update December 2014

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.

Disability Hate Crime	
Published By: BBC	
<p>Summary: The BBC has been told by the former director of public prosecutions that the Police and Crown Prosecution Service are overlooking the severity of disability hate crime. Lord Ken MacDonald said police were failing to recognise that abuse of disabled people constituted hate crime. This could prevent perpetrators from receiving increased sentences. The Association of Chief Police Officers said it was working to improve the reporting of such offences. Lord MacDonald told the BBC that improvements in the police's tackling of racial hate crime had not been replicated in relation to disability. As the outgoing director of public prosecutions in 2008, he described disability hate crime as a "scar on the conscience" of the criminal justice system. Now he says it is still under-reported and many victims are failing to receive justice.</p>	
Date of Publication: 21st September 2014	

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 1 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	

Regulation	<u>New CQC Regulatory Framework</u>
Published By: Care Quality Commission (CQC)	
<p>Summary: In October, CQC introduced its new regulatory framework and ratings system for health and social care. This includes the use of special measures in NHS services and the introduction of the 'fit and proper person test' for directors of NHS providers with CQC being able to insist on the removal of directors that fail this test. NHS providers must also comply with the duty of candour meaning they must be open and transparent with service users about their care and treatment, including when it goes wrong. From April 2015, all these provisions will be extended to care homes and home care agencies.</p>	
Date of Publication: October 2014	

Safeguarding Practice	<u>Gaining access to an adult suspected of being at risk of neglect or abuse</u>
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Published By: Social Care Institute of Excellence

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 fulfil 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.

Date of Publication: October 2014

DOLS	<u>Local Councils' position re DOLS post the Cheshire West Ruling</u>
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Published By: Community Care

Summary: Based on data obtained from over 120 authorities, the variations in referral rates and timescale breaches have been mapped out following an investigation by Community Care into the impact that the landmark Supreme Court ruling has had on DOLS cases which extended human rights safeguards to a broader group of vulnerable people and also triggered a surge in DOLS referrals to councils. The investigation, based on FOI data obtained from over 120 authorities in England and Wales, found that, in the six months since the judgement, a nine-fold increase in average monthly referrals has been seen nationally and 50% of cases received since April 2014 have breached timescales (last year 2.2% breached timescales). However, we also found significant local variations in how services are coping. Here we've mapped out average monthly referral increases and how many cases have breached timescales in 2014-15 (so far).

Date of Publication: 9th October 2014

Disability Hate Crime	<u>Criminal justice agencies failing to tackle disability hate crime</u>
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Published By: BBC

Summary: **The BBC has been told by** the former director of public prosecutions that the Police and Crown Prosecution Service are overlooking the severity of disability hate crime. Lord Ken MacDonald said police were failing to recognise that abuse of disabled people constituted hate crime. This could prevent perpetrators from receiving increased sentences. The Association of Chief Police Officers said it was working to improve the reporting of such offences. Lord MacDonald told the BBC that improvements in the police's tackling of racial hate crime had not been replicated in relation to disability. As the outgoing director of public prosecutions in 2008, he described disability hate crime as a "scar on the conscience" of the criminal justice system. Now he says it is still under-reported and many victims are failing to receive justice.

Date of Publication: 21st September 2014

Regulation	<u>CQC State of Care Report 2013-14</u>
Published By: Care Quality Commission	
<p>Summary: The Care Quality Commission's report reveals many examples of excellent care, and encourages other providers to learn from them. But there is significant variation in quality. People in nursing homes tend to receive poorer care than those in other residential services. CQC also highlights the importance of a well-led, valued and trained workforce. Care provided by homes with a registered manager was substantially better than those without a registered manager for six months or more. Safety and safeguarding were also identified as areas for improvement across health and social care.</p>	
Date of Publication: 17th October 2014	

Nursing Care	<u>CQC State of Care Report 2013-14</u>
Published By: Care Quality Commission	
<p>Summary: CQC's State of Care report for 2013-14 found that a shortage of nurses in adult social care is compounding longstanding concerns that the quality of care in nursing homes.. The report highlights that one in five nursing homes does not have enough staff on duty to provide safe care. The report says that recruitment of nurses to social care should be a 'priority' and pointed to figures from Skills for Care showing that nurses in social care had the highest turnover rate (32%) of all social care roles. CQC states there was no clear evidence on the cause of the nursing shortage. However, it did point to fewer long-term career development opportunities for nurses in social care and the push to boost nurse numbers in the NHS in the wake of the Francis report on the Mid-Staffordshire hospital scandal may have exacerbated the issue. The report further highlights that "this issue is now impacting on the quality of care, and is a pressure that is likely to increase as many of the current registered nurses working in social care are approaching retirement age. Around 29% of these registered nurses are likely to retire within 10 years".</p>	
Date of Publication: 16th October 2014	

Care Act 2014 - Advocacy	<u>SCIE Guide on commissioning advocacy services</u>
Published By: Social Care Institute of Excellence (SCIE)	
<p>Summary: SCIE has developed a new guide to commissioning advocacy. One of the key messages from the guide is that local authorities should consider expanding their advocacy services to ensure they do not underestimate the impact and funding implications of duties introduced under the Act from April 2015. Under the Care Act, local authorities will have a duty to provide independent advocacy when someone has 'substantial difficulty' being involved in the care and support process, and does not have an appropriate individual to support them. The SCIE guide strongly recommends that local authorities review their current arrangements for existing advocacy services – including independent mental capacity advocacy and independent mental health advocacy – and consider what additional resources are needed to meet the Care Act duties. It also recommends councils establish 'flexible contracts' with advocacy providers to ensure that capacity can increase or reduce in response to changes in demand.</p>	
Date of Publication: 29th October 2014	

Mental Capacity	<u>Mental Capacity Act s 44 prosecutions</u>
Published By: Mental Health Act and MCA Law Service	
<p>Summary: A review has highlighted that the number of prosecutions of care staff and family carers for abuse or neglect of adults lacking mental capacity more than doubled last year. In 2013-14, 349 charges were made and reached a first magistrates' court hearing in England and Wales in relation to the offences of carer ill-treatment or wilful neglect under section 44 of the Mental Capacity Act 2005 (MCA), up from 168 in 2012-13. This the highest number since the Act's introduction. The offence applies to people who care for a person who lacks capacity and covers both paid staff and informal carers. In addition, six charges were made against people given lasting power of attorney to manage affairs of people who lack capacity to do so, up from one in 2012-13. There were 47 prosecutions in relation to ill-treatment or neglect under section 127 of the Mental Health Act 1983, down from 57 in 2012-13. This offence applies to care home or hospital staff accused of abusing or neglecting a person being treated for a mental health problem or those appointed as guardians for people with significant mental health problems.</p> <p>Date of Publication: 5th November 2014</p>	
Safeguarding Practice	<u>Report: Adult Safeguarding Outcomes Measure Pilot</u>
Published By: Health and Social Care Information Centre (HSCIC)	
<p>Summary: The government is planning to introduce the first national standard outcome measure of service user satisfaction with safeguarding services from April 2016 following a pilot study carried out by the HSCIC. The exact nature of the measure, which will be incorporated into the adult social cares outcomes framework (ASCOF), has still to be decided but work is underway to scope the feasibility of introducing it in 2016-17. A draft version of the indicator, which measured the proportion of safeguarding referrals where people said they felt safer as a result of interventions, and a survey to gather the information from service users, were tested by 40 local authorities as part of a pilot scheme run between May and June of this year. The report found that the survey questions related to the indicator worked well but further work was needed to develop a "worthwhile and usable ASCOF measure for safeguarding". HSCIC has recommended that the survey is not a mandatory data collection for 2015-16 but that consideration is given to the feasibility of a measure for 2016-17 which was agreed by the DH Data and Outcomes Board.</p> <p>Date of Publication: 13th November 2014</p>	
Regulation	<u>Article: CQC to issue guidance on the use of hidden cameras</u>
Published By:	
<p>Summary: The Care Quality Commission (CQC) has agreed to publish guidance around using hidden cameras to monitor care, following a public board meeting this week. CQC will set out issues for relatives and providers to take into account before installing cameras in a care home or domestic setting, amidst debate around whether covert or public surveillance is ethical. The information for the public will recommend families consider whether the care receiver has the capacity to consent before using hidden cameras, and if not whether covert surveillance of their intimate care is in their best interests. In a separate information document for providers, the CQC will make it clear providers must also consider the wellbeing of their staff and the impact of being recorded.</p> <p>Date of Publication: 21st November 2014</p>	

Learning Disability	Winterbourne View – Time for Change
Published By: NHS England	
<p>Summary: The ‘Winterbourne View – Time for Change’ report was commissioned by NHS England and is designed to address the failure to meet the government target to end inappropriate learning disability hospital placements post-Winterbourne View. It presents a further plan to transform care and highlights the need to speed up the development of community-based alternatives to inpatient care through the creation of a mandatory joint commissioning and pooling of health, social care and housing budgets. A social investment fund, backed by £30m of government or NHS England funding, should also be set up. The report also called on the government to create a ‘charter of rights’ to underpin all commissioning decisions, including rights to personal health budgets and to challenge admissions in inpatient care. The commissioning framework should also be accompanied by a closure programme of ‘inappropriate’ inpatient units drawn up by NHS England. The report highlights that about 2,600 people with learning disabilities or autism and additional mental health needs remain in inpatient settings despite the government’s 2012 commitment to end inappropriate placements by June this year.</p>	
Date of Publication: 26th November 2014	

Mental Health	Access to mental health beds
Published By: Community Care	
<p>Summary: This article outlines an investigation carried out by Community Care and the BCC which found that at least eight people have died in the past two years after problems accessing psychiatric beds for mental health patients in crisis. The deaths include seven suicides and one homicide linked to bed pressures since March 2012. In a ninth case a woman took her own life after being denied a bed at a crisis house, a residential facility used to offer a community-based alternative to hospital. Figures were obtained from mental health trusts and show that 468 beds have been closed over the past year, bringing the total closures to more than 2,100 since April 2011. Data on bed demand shows that admission wards for acutely unwell adults have run at an average monthly occupancy level of 101% for the past two years. Several trusts have hit occupancy rates of over 120% some months. The recommended level is 85%. When wards run over 100% occupancy it is usually because trusts have filled beds temporarily freed-up by patients sent on short-term home leave. The strategy risks no bed being available for the patient on leave if they relapse and need admission.</p>	
Date of Publication: 28th November 2014	

Bulletin Compiled by Sue Lee, Hampshire Safeguarding Adults Board Manager

December 2014