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To: Adult Social Services Policy Overview Committee –  
15 January 2009

Subject: **SAFEGUARDING ADULTS A CONSULTATION ON THE  
REVIEW OF THE 'NO SECRETS' GUIDANCE**

Classification: Unrestricted

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Summary: Attached to this report is the draft Kent Adult Social Services response to the 'No Secrets' guidance consultation. The report seeks views from Members of the Policy Overview Committee as part of the consultation process. A final response will be produced following the Kent and Medway Safeguarding Vulnerable Adult Committee sponsored consultation event.

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## **1. Introduction**

- 1.1 The Department of Health, the Home Office and the Ministry of Justice launched the national consultation on the review of the 'No Secrets' guidance on 14 October 2008, with the closing date of 31 January 2009.
- 1.2 The focus of the consultation is about how people are empowered to identify and manage risk and empowering people to say no to abusive situations and criminal behaviour. These are within the context of addressing safeguarding in the broader context of choice and control.
- 1.3 The clear message is that safeguarding is everyone's business therefore, identifying the tools necessary for better safeguarding as we move on with the implementation of personalisation becomes a priority.
- 1.4 A consultation stakeholder event was held on 7 January 2009 to inform the Kent and Medway submission to the consultation. The Care Services Improvement Partnership also held a consultation event on 8 January 2009 for county council Members.
- 1.5 The purpose of this report is to seek comments from Members of the Policy Overview Committee (POC) on the draft KASS report which is attached separately to the papers for Members of the POC. Members should note that the attached draft response will be updated as a result of the multi -agency consultation event.

## 2. Policy Context

- 2.1 In the summer of 2007, Ivan Lewis, the then Minister for Care Services, announced that 'No Secrets' was to be reviewed. This announcement was made following the publication of the first ever study of the prevalence of abuse in people's own homes.
- 2.2 The landmark '*Putting People First - A shared vision and commitment to the transformation of Adult Social Care*' (2007) concordat also frames the Government's commitment to independent living for all adults. It signalled a fundamental shift to the development of a personalised adult social care system on a national scale. The policy direction acknowledges the need to focus on prevention, early intervention, enablement, and high quality personally tailored services. At the same time, it employs local authorities to develop systems that act on, and minimise, the risk of abuse and neglect of vulnerable adults.
- 2.3 The drive to ensure that all older people are treated with dignity and respect at all times, adds to the Government's intention to drive up care standards through the '*Dignity in Care Campaign*'. The '*Dignity Challenge*', then, is a call to arms for service commissioners and providers to adhere to the 10 principles; the first of which is to have a '*zero tolerance of all forms of abuse*', irrespective of whether they are publicly funded or not.
- 2.4 The policy landscape has also changed with the enactment of key pieces of legislation, all playing their contribution in respect of safeguarding the interest of vulnerable members of the community. The notable ones are the provisions in the '*Mental Capacity Act 2005*', '*Deprivation of Liberty Safeguards*', '*Safeguarding Vulnerable Groups Act 2006*', '*Fraud Act 2006*' and '*Corporate Manslaughter and Corporate Homicide Act 2007*'.

## 3. The Consultation Document

- 3.1 The consultation document is divided into nine chapters:
  - **Chapter 1** describes the main messages about *No secrets* and sets the scene for mainstreaming safeguarding – making it everyone's business.
  - **Chapter 2** describes the policy background against which this review is taking place, and looks at personalisation, empowerment and access to criminal justice.
  - **Chapter 3** examines three issues which the early consultations events considered important: leadership, prevention and outcomes.
  - **Chapter 4** both reflects, and invites, a debate about what aspects of safeguarding can be built into personalisation and what aspects of choice and control can be built into safeguarding.
  - **Chapter 5** identifies some of the levers which are leading the development of safeguarding in health services and asks what more needs to be done to integrate safeguarding into high quality healthcare for all.

- **Chapter 6** asks whether safeguarding, housing responsibilities and community empowerment should be better integrated, and what housing providers should do to enable tenants and residents to live safer lives.
- **Chapter 7** reflects the questions asked about how safeguarding vulnerable adults can become core police business and what more the courts can do to increase access to justice.
- **Chapter 8** asks whether we need more guidance and if so what kind, and/or whether we need new legislation, and if so what would make the big difference to making safeguarding more effective.
- **Chapter 9** raises questions of definitions, eligibility criteria, language and principles.

### **Recommendation**

Members are asked to NOTE and COMMENT on the contents of the attached draft response

### *Appendix*

No Secrets Review Consultation – Draft response from KASS.

### *Background documents:*

Safeguarding Adults A Consultation on the Review of the 'No Secrets' Guidance, Department of Health, Home Office, Ministry of Justice, 14 October 2008.

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