

From: Graham Gibbens, Cabinet Member for Adult Social Care and Public Health
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To: Adult Social Care Cabinet Committee – 17 May 2019

Subject: **Adult Social Care and Health (Including the Lifespan Pathway Service) Safeguarding Arrangements**

Classification: Unrestricted

Past Pathway of Paper: Adult Social Care Cabinet Committee 30 November 2018

Future Pathway of Paper: None

Electoral Division: All

Summary: This report provides an overview of how safeguarding activity is undertaken across the Adult Social Care and Health, including the Lifespan Pathway Service, Directorate. It will provide clarity as to the different functions and accountabilities within the operational and strategic elements of the service, as well as details of the function of the Kent and Medway Safeguarding Adults Board. The report will also provide clarity and detail as to how the new Strategic Safeguarding Service will function.

Recommendation(s): The Adult Social Care Cabinet Committee is asked to **CONSIDER** and **COMMENT ON** the content of this report.

1. Introduction

- 1.1 This report follows on from the paper previously presented to the Adult Social Care Cabinet Committee on 30 November 2018, which detailed the design and implementation of the new Adult Social Care and Health (including the Lifespan Pathway Service) Operating Model.
- 1.2 It will provide an overview of the changes which have taken place within the Operational Services including the Deprivation of Liberty Safeguards (DoLs) Team as well as an insight into the new Strategic Safeguarding arrangements and the Kent and Medway Safeguarding Adults Board (KMSAB). The report will provide oversight and describe the governance arrangements together with the responsibilities and accountabilities across the spectrum of safeguarding as the Adult Social Care and Health (including Lifespan Pathway Service) Directorate continues to move towards a single operating model which is aligned to Local Care and delivers outcome focused care to all the people we support.

2 Strategic Statement and Policy Framework

2.1 There are a number of national and local policy initiatives that have helped shape the new operating model and will support the delivery of the council's strategic outcomes. The key relevant national drivers in respect of this area of work include:

- **Mental Capacity Bill** The introduction of the Bill marked the beginning of the replacement of the Deprivation of Liberty Safeguards (DoLS) with Liberty Protection Safeguards (LPS)
- **Think Local Act Personal (TLAP)** The sector wide framework for person centred care and support planning.
- **Care Act 2014** The legislation describes the responsibilities of the Principal Social Worker, specifically in respect of this work as requirement that "Local authorities should therefore, ensure that principal social workers lead on ensuring the quality and consistency of social work practice in fulfilling its safeguarding responsibilities."

2.2 The key adult social care strategies and documents that have supported the development of the new operating model are detailed below:

Your Life, Your Wellbeing: A vision and strategy for adult social care 2016 – 2021 was endorsed by the Adult Social Care and Health Cabinet Committee on 6 December 2016. The strategy was refreshed in October 2018 to respond to the changing environment with a new vision and strategy for adult social care by bringing together all our change and improvement work into a single new operating model across adult social care, children and young people with a disability. The ambitions in the strategy will be accomplished by working together with our partner organisations using a shared approach to deliver care and support.

<https://www.kent.gov.uk/about-the-council/strategies-and-policies/adult-social-care-policies/your-life-your-wellbeing>

Kent and Medway Safeguarding Adults Board Annual Report 2017/18

This was presented to full County Council on 13 December 2018. The document is available on the following link:

https://www.kent.gov.uk/_data/assets/pdf_file/0009/14040/Kent-and-Medway-Safeguarding-Adults-Board-annual-report.pdf

3. Kent and Medway Safeguarding Adults Board

3.1 The Kent and Medway Safeguarding Adults Board (KMSAB) is a statutory service which exists to make sure that all member agencies are working together to help keep Kent and Medway's adults safe from harm and protect their rights. The Board is chaired independently and meets three times a year. Board Membership includes the following agencies.

- Kent County Council
- Medway Council
- Health – Kent and Medway Clinical Commissioning Group

- NHS England
- South East Ambulance Service (SECAMB)
- Healthwatch
- Kent Mental Health Trust
- Kent Police
- Kent Fire and Rescue Service
- Prison Service
- District Council Chief Executive
- Kent Integrated Care Alliance (KICA)

3.2 Kent County Council representatives on the Board are the Cabinet Member for Adult Social Care and Public Health and the Corporate Director of Adult Social Care and Health.

3.3 The board's work is supported by the following working groups:

- Quality Assurance Working Group (QAWG)
- Learning and Development Working Group (L&DWG)
- Practice, Policy and Procedures Working Group (PPGWG)
- Risk Threats and Vulnerabilities Working Group (RTVWG)
- Safeguarding Adults Review Working Group (SARWG)

3.4 Each group relies on multi-agency collaborative working.

3.5 The board is hosted within the Adult Social Care and Health Directorate and the board support team sits within the line management of the Head of Strategic Safeguarding, Practice and Quality Assurance (Principal Social Worker). The board team is funded by multi-agency contributions and Kent contributes £110,000 to the overall costs.

4. Strategic Safeguarding

4.1 The structure and function of strategic safeguarding activity was subject to a period of formal consultation which commenced in December 2018. At the conclusion of this a finalised structure was published and recruitment activity expedited. The new structure was implemented on 2 April 2019. The strategic function now sits within the Business Deliver Unit in the Strategic Safeguarding, Practice and Quality Assurance Service. A structure chart for this service is attached as Appendix 1.

4.2 The Strategic Safeguarding, Practice and Quality Assurance Service will initially focus on developing and embedding a quality assurance framework and set of standards to support practice and performance across the directorate, building and maintaining a high practice performance culture across safeguarding and social care. The council's Internal Audit Service is acting in an advisory capacity to ensure that the framework and its intrinsic processes are both rigorous and robust.

- 4.3 The new Policy, Practice and Strategic Safeguarding Manager will work with the Practice Development Officers, Policy and Quality Assurance Team and the Strategic Safeguarding Team to take collective responsibility for quality monitoring processes, professional standards and audit. This will establish a culture of continuous improvement as part of a reflective approach to practice support and guidance to secure sustainable service improvement and excellent outcomes for service users and their families. The support will be informed by outcomes from the audit process as well as national and local drivers.
- 4.4 The Strategic Safeguarding, Practice and Quality Assurance Service will lead the safeguarding and quality assurance audit processes across the directorate to promote effective safeguarding and quality practices. The audit process will capture a broader spectrum of practice, to consider both those adults who are within the focus of a safeguarding enquiry and those in receipt of services to meet their care and support needs. This broadened approach will build upon learning from recent Serious Adult Reviews and Domestic Homicide Reviews, as the subject were often not considered in the context of a safeguarding enquiry. This approach will promote professional curiosity and build upon the culture of reflective and inquisitive practice.
- 4.5 In order to provide support and challenge to operational teams the County Safeguarding Group will be chaired by the Head of Strategic Safeguarding, Practice and Quality Assurance and attended by representatives from the Strategic Safeguarding, Practice and Quality Assurance Service together with operational safeguarding leads. Attendees at the meeting are required to act as a conduit for promote effective information sharing through the breadth of the directorate. This meeting in turn reports to the Divisional Management Team Safeguarding Group, for which a quarterly report, which includes both quantitative and qualitative information is provided to support a focused discussion.

5. Operational Safeguarding within the Divisions

5.1 Central Referral Unit (CRU)

- 5.1.1 This service, hosted within the Older People and Physical Disability (OPPD) Division, acts as the point of entry for all new adult safeguarding referrals and provides a consultation service to partners to support appropriate referrals being made or signposting in the event that an alternative approach might be considered. The service commence any safeguarding activity necessary to ensure that this progressed in a timely way, any ongoing activity is passed to the appropriate service. This service is to be reviewed in line with the continued organisational redesign.

5.2 Lifespan Pathway Service

Disabled Young Persons Team (DYPT) (18- 25)

- 5.2.1 The Lifespan Pathway Service was implemented in April 2017. Safeguarding activity within this service can be complicated because staff are required to

follow two legislative frameworks given that they work with both children and young adults. Since 1 April 2019 the service now has its own Specialist Senior Practitioner for Safeguarding and DoLS; one in East Kent and one in West Kent. They are line managed by the DYPT Area Managers.

Community Learning Disability Teams (26 +)

5.2.2 Since 1 April 2019 the Safeguarding Adults at Risk Co-ordinators (SARC) now oversee and hold the designated senior officer role for all safeguarding concerns and consultations. There are five SARCs, who are line managed by the LD Safeguarding Service Manager.

5.3 Community Mental Health and Social Care Service

5.3.1 Safeguarding activity has been overseen by staff employed by the council since April 2016. This arrangement predates the transfer of Community Mental Health Social Care Teams in October 2018 and the Approved Mental Health Practitioners (AMHP) in April 2019 back to KCC management. Safeguarding enquiries are overseen by area co-ordinators and the process is well understood by social care practitioners.

5.4. Older People and Physical Disability

5.4.1 This specialism has undergone the greatest change as the new operating model which was implemented in August 2018. This saw the establishment of Promoting and Supporting Independence Teams/Services as well as specialist Social Work and Safeguarding Services Countywide. This has enabled a sharper focus on those identified with the most complex and enduring needs and supported more focused and rigorous safeguarding enquiries when necessary.

5.4.2 The additional capacity together with improved performance reporting tools has facilitated a more rigorous approach to safeguarding enquiries and quarter on quarter the data continues to improve. The table, attached as Appendix 2, demonstrates the service improvement in relation to the focus on closing longstanding investigations together with an improved focused and attention to timeliness in the new structure.

5.4.3 A Quality in Care team has also been established to focus on supporting service improvement for residential providers where safeguarding concerns are the most concerning. This is further complemented by the work of the Design and Learning Centre which offers peer learning for service providers to support standards to be raised across the provider estate.

5.5 Deprivation of Liberty Safeguards (DoLS)

5.5.1 The Deprivation of Liberty Safeguards is the procedure prescribed in law when it is necessary to deprive of their liberty a resident or patient who lacks capacity to consent to their care and treatment in order to keep them safe from harm. The Supreme Court judgement in March 2014, referred to the “acid test” to

identify if a person was being deprived of their liberty and referred to two specific questions:

- Is the person subject to continuous supervision and control? and
- Is the person free to leave?

5.5.2 This led to a national surge in referrals and Kent established a DoLS team with the Strategic Safeguarding Service in order to manage the demand. Rigorous screening of applications has developed in sophistication and nationally the use of the Association of Directors of Adult Social Services (ADASS) screening tool has supported an approach which ensures that the most vulnerable are assessed as a priority. However, demand for assessments has continued to outstrip the assessment resource available and a backlog of assessments continued to build. This was mitigated in Kent by the inception of a DoLS Backlog Project in February 2018. The detail of the impact of this project will be covered separately later in this report.

5.5.3 The Countywide DoLS service function was considered within the context of the Countywide review of Safeguarding Arrangements. This acknowledged that the scale and nature of the work being undertaken would be more appropriately sited within an operational service. Given the demographic of the client group OPPD was identified as the appropriate location. The service has therefore been transferred to the line management of the service whilst continuing to provide assessment for adults of any age. The function and future operational structure of the service is currently being considered and will be re-designed taking into account the much awaited legislative changes which will come about when the Liberty Protection Safeguards Bill (LPS) is implemented in Spring 2020.

5.6 **Deprivation of Liberty Backlog Project**

5.6.1 In February 2018 Kent County Council secured one-off funding of £1.54m for the processing of historic non-prioritised DoLS applications, received up to and including 31 March 2017.

5.6.2 A project team was set up, comprising of a team manager (one day per week), a project lead (full time), two authorisers (14.5 hours per week) and two full time administrators.

5.6.3 An external provider, ICS Assessment Services, was commissioned to undertake the Best Interests Assessments (BIA) from 23 July 2018. The terms of the contract are flexible to maximize the output from the funding secured, to automatically terminate upon the depletion of funding or after 24 months, whichever occurs first.

5.6.4 Mental Health Assessments are provided by SEMAS, the same contractor for the priority DoLS applications. The SEMAS contract was extended to become co-terminus with the BIA contract, pending changes in legislation, so they can be let as one contract in the future, if necessary.

5.6.5 The project team periodically undertake data cleansing of the backlog folders (post April 2017), and regularly report on the backlog of applications received post April 2017. The table below provides the last six months' figures.

| NON PRIORITY (BACKLOG SINCE APRIL 2017) | | | | |
|-----------------------------------------|---------------------------------------------|---------------------------------------------|------------------------------------------|---------------|
| PERIOD | Remaining backlog Apr 2017 - Mar 2018 | Remaining backlog Apr 2018 - Mar 2019 | Applications received per month | % Prioritised |
| Oct, 2018 | 1954 | 1409 | 525 | 40% |
| Nov, 2018 | 1749 | 1587 | 484 | 44% |
| Dec, 2018 | 1713 | 1785 | 357 | 42% |
| Jan, 2019 | 1620 | 2063 | 516 | 41% |
| Feb, 2019 | 1564 | 2189 | 471 | 42% |
| Mar, 2019 | 1535 | 2410 | 475 | 41% |

5.6.6 Based on the current rate of assessments and authorisations, the project will conclude processing all backlog within scope (up to April 2017), significantly ahead of the planned end date of 31 July 2020. There is an opportunity to maximise the project output with effective deployment of available resource to tackle additional backlog cases, post April 2017. This was discussed at the Safeguarding and Quality Assurance Directorate Management Team meeting on 7 May 2019 and it was agreed further scoping work would be undertaken to maximise the investment opportunity. This is particularly important in light of recent criticism of Staffordshire Council by The Local Government Ombudsman for having no plan in place to tackle their cases awaiting assessment.

6. Conclusions

6.1 As demonstrated in this report the directorate continues to focus on practice improvement, with a clear purpose and focus on ensuring that those in greatest need are provided with a timely and focused intervention. The recent redesign activity has established a firm foundation on which continuous improvement can continue.

7. Recommendation(s)

7.1 Recommendation(s): The Adult Social Care Cabinet Committee is asked to **CONSIDER** and **COMMENT ON** the content of this report.

8. Background Documents

Report to Adult Social Care Cabinet Committee on 30 November 2018

<https://democracy.kent.gov.uk/documents/s88089/Item%208%20-%20Adult%20Social%20Care%20and%20Health%20including%20Lifespan%20Pathway%20Service%20New%20Operating%20Model.pdf>

Equality analysis: liberty protection safeguards - Mental Capacity (Amendment) Bill

<https://www.gov.uk/government/publications/mental-capacity-amendment-bill-equality-analysis>

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