Care Act 2014 Safeguarding Briefing

The Care Act 2014 places adult safeguarding on a statutory footing from April 2015, there will be significant changes to how safeguarding duties and functions are carried out. The information contained in this briefing outlines some of the key changes.

Safeguarding Adults Boards

The Act requires local authorities to establish a Safeguarding Adults Board (SAB) in their area, giving these boards a clear basis in law for the first time.

The Act says that the SAB must:

- include the local authority, the NHS and the police, who should meet regularly to discuss and act upon local safeguarding issues;
- develop shared plans for safeguarding, working with local people to decide how best to protect adults in vulnerable situations;
- publish this safeguarding plan and report to the public annually on its progress, so that different organisations can make sure they are working together in the best way.

Impact on SSSFT

SSSFT is already an active members of Staffordshire and Stoke on Trent Safeguarding Adult Board, and have previously contributed to Shropshire and Telford Safeguarding Adult Board. Shropshire and Telford adult safeguarding Boards have now separated and have established separate boards. The safeguarding lead for the trust will work with both of these boards to ensure consistency in practice and an active contribution.

Action required

- No change to current practice required
Safeguarding enquiries by local authorities

The Act also requires local authorities to make enquiries, or ask others to make enquiries, when they think an adult with care and support needs may be at risk of abuse or neglect in their area and to find out what, if any, action may be needed. This applies whether or not the authority is actually providing any care and support services to that adult.

The enquiry may lead to a number of outcomes, depending on the circumstances, including to prosecution if abuse or neglect is proven. In other cases, the risk of abuse may be tackled, but the adult may have other care and support needs which require different services, and may lead to a needs assessment or review of an existing care and support plan.

Impact on SSSFT

This will have a significant impact on how SSSFT address safeguarding concerns, under the current arrangements the trust is responsible for safeguarding investigations only in relation to people under the age of 65 with a mental health need in Staffordshire. All other adult protection investigations are carried out by the local authority i.e. older people, people with physical and or learning disabilities.

The new duty placed on local authorities under section 42 of the Care act has implications for all of SSSFT services:

Implications for Adult Mental Health services people aged under 65 (Staffordshire Only)

Under the existing section 75 agreement SSSFT adult mental health division are responsible for all adult protection referrals for this client group. This includes the threshold decision and the investigation. Under the new arrangements the LA will have the responsibility for deciding if an adult protection enquiry is required and this decision can not be devolved to the
trust as is currently the case. However the LA can “cause an enquiry to be made” therefore the responsibility for the enquiry can be devolved to the Trust.

Action required

- Review of SSSFT engagement with Staffordshire MASH
- discussion with LA regarding adult safeguarding resources
- centralised process for monitoring adult safeguarding enquires carried out on behalf of LA

Implications for all of the trusts services irrespective of location

Under the existing arrangements the LA are responsible for adult protection threshold decisions and carrying out adult protection investigations (with the exception of the above) section 42 of the Care Act 2014 places a duty on local authorities to make or cause an enquiry to be made into safeguarding concerns. This means that the Local authority can request that the trust carries out an enquiry into adult safeguarding concerns for all client groups that receive a service from the trust and the trust has a duty to co-operate. Therefore this could have resource implications for the trust in relation to the number of investigations that will be requested and the breadth of the investigation however it is anticipated that the trusts current investigation processes ie serious incidents, complaints, disciplinary ect will be utilised effectively.

Action required

- establish centralised process for receiving notification to make an enquiry from all LAs covered by SSSFT
- monitor number of enquiries
- integrate enquiries into existing governance systems to prevent duplication of process
Safeguarding Adult Reviews

When there is any failure in safeguarding, the results can be severe and tragic and therefore demand a strong response. That is why the Act says that SABs must arrange a Safeguarding Adults Review in some circumstances – for instance, if an adult with care and support needs dies as a result of abuse or neglect and there is concern about how one of the members of the SAB acted. The Reviews are about learning lessons for the future. They will make sure SABs get the full picture of what went wrong, so that all organisations involved can improve as a result.

Impact on SSSFT

The trusts safeguarding team are responsible for working with the safeguarding board in the event of a safeguarding adult review being authorised. The safeguarding lead is responsible for representing the trust via the review process and disseminating learning throughout the organisation.

Action required

- No change to current practice required

Designated Adult Safeguarding Manager (DASM)

Each member of the SAB should have a Designated Adult Safeguarding Manager (DASM) responsible for the management and oversight of individual complex cases and coordination where allegations are made or concerns raised about a person, whether an employee, volunteer or student, paid or unpaid. DASMs should keep in regular contact with their counterparts in partner organisations. They should also have a role in highlighting the extent to which their own organisation prevents abuse and neglect taking place.
Impact on SSSFT

There is still some uncertainty regarding the DASM role the Safeguarding Adult Board members are currently debating the interpretation of the role identified in the Care Act 2014. It is anticipated that this role will sit with existing safeguarding leads

Action required

- Work with the boards to seek clarity regarding the DASM role
- The safeguarding lead for SSSFT to hold this role from the 1st April 2015 pending clarity from the boards

Supply of information

It is important that organisations share information related to abuse or neglect with SABs. Not doing so could prevent them from being able to tackle problems quickly and learn lessons to prevent them happening again.
The Act is therefore clear that if an SAB requests information from an organisation or individual who is likely to have information which is relevant to SAB’s functions, they must share what they know with the SAB.

Impact on SSSFT

The trust is already signed up to multi agency information sharing agreements, the statutory duty identified within the Care Act 2014 further supports existing processes for sharing information.
Action required

• Ensure SSSFT are signed up to any new information sharing agreements that are produced in response to Care Act 2014 particularly in relation to new contracted services.

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