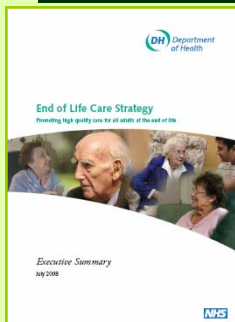


# Bradford Safeguarding Adults Board

## Newsletter Issue 8 – October 2008



### End of Life Care Strategy



The Government has published the End of Life Care Strategy – promoting high quality care for all adults at the end of life which is the first for the

UK and covers adults in England. It's aim is to provide people approaching the end of life with more choice about where they would like to live and die. It encompasses all adults with advanced, progressive illness and care given in all settings.

The strategy has been developed by an expert advisory board, including key stakeholders from statutory health, social care, third sector organisations, professional and academic organisations – over 300 stakeholders were consulted.

From this process a consistent message emerged that a whole systems approach is needed. Within this, a care pathway approach both

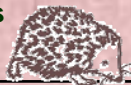
for commissioning services and for delivery of integrated care for individuals has been strongly recommended. The care pathway involves the following steps:

- Identification of people approaching the end of life and initiating discussions about preferences for the end of life care
- Care planning: assessing needs and preferences, agreeing a care plan to reflect these and reviewing these regularly;
- Coordination of care;
- Delivery of high quality services in all locations;
- Management of the last days of life;
- Care after death; and
- Support for carers, both during a person's illness & after their death

The strategy has been informed and shaped by the work on end of life care undertaken by strategic health authorities for the NHS next stage

review. *Download your copy:*  
[http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH\\_086277](http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_086277)

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### Safeguarding Adults Good Practice Database



Funded by Comic Relief and is managed jointly by Action on Elder Abuse (AEA) and the Practitioners Alliance for Vulnerable Adults (PAVA). The project is aimed at the wider community of practitioners and others with a stake in Safeguarding adults from a variety of angles. The project aims to provide practical methods of identifying and disseminating good

practice from around the country. This good practice could come from local authorities, service providers, advocates, service users etc. It is hoped that this website will enable people to browse examples of things that are working well, and use the information to make changes and improve services and outcomes for vulnerable adults. *Find out more:* [www.elderabuse.org.uk](http://www.elderabuse.org.uk)



## Policy on Crimes against Older People



The Crown Prosecution Service (CPS) for England and Wales has published a policy on prosecuting crimes against older people, and guidance on how to deal with older people as victims and witnesses. The CPS is committed to taking age equality issues into account in all their prosecution policies. The development of this policy for prosecuting crimes against the older person is a key commitment in the Age Equality Action Plan, contained within the CPS Single Equality Scheme, 2006-2010.

Research shows that crimes against older people are prevalent yet they are under-reported to the police. CPS say: ***"Our policy, makes clear to older people, their families, communities and the general public that they can be confident that the CPS understands the serious implications of crimes against older people."***

The Policy explains the way in which the CPS deals with crimes against older people and how

they support older people who are victims and witnesses of crime. It also summarises some of the wide and complex range of crimes which older people may experience. These include:

- abuse or neglect where there is an expectation of trust, whether by family members, friends or paid workers, or where the older person is living either temporarily or permanently in an institution;
- crimes which are specifically targeted at older people because they are perceived as vulnerable or potentially easy to steal from, such as muggings, doorstep theft or rogue traders;
- crimes against older people which are not initially related to their age but may later become so if someone exploits the situation on discovering that they are an older person;
- crimes against older people which are in part or wholly motivated by hostility based on age.

Download the policy from:

[www.elderabuse.org.uk/Media%20and%20Resources/Useful%20downloads/CPS/caop\\_policy.pdf](http://www.elderabuse.org.uk/Media%20and%20Resources/Useful%20downloads/CPS/caop_policy.pdf)

Download the guidance from:

[www.elderabuse.org.uk/Media%20and%20Resources/Useful%20downloads/CPS/caop\\_guidance.pdf](http://www.elderabuse.org.uk/Media%20and%20Resources/Useful%20downloads/CPS/caop_guidance.pdf)

## Code of Practice for Victims of Crime



This Code of Practice for Victims of Crime became law in April 2006 it sets out the services victims can expect to receive from the criminal justice system including:

- A right to information about their crime within specified time scales, including the right to be notified of any arrests and court cases.
- A dedicated family liaison police officer to be assigned to bereaved relatives. Clear information from the Criminal Injuries Compensation Authority (CICA) on eligibility for compensation under the Scheme.
- All victims to be told about Victim Support and either referred on to them or offered their service.
- An enhanced service in the cases of vulnerable or intimidated victims.

- Flexibility with regard to opting in or out of receiving services to ensure victims receive the level of service they want.

This Code requires the following organisations to provide services to victims:

The Criminal Cases Review Commission; The Criminal Injuries Compensation Authority; The Criminal Injuries Compensation Appeals Panel; The Crown Prosecution Service; Her Majesty's Courts Service; The joint police/Crown Prosecution Service; Witness Care Units; All police forces for police areas in England and Wales, the British Transport Police and the Ministry of Defence Police; The Parole Board The Prison Service; The Probation Service; and the Youth Offending Teams

Download the full Code of Practice from:

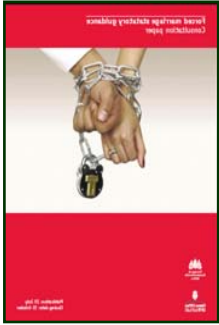
[www.cjsonline.gov.uk/the\\_cjs/whats\\_new/news-3232.html](http://www.cjsonline.gov.uk/the_cjs/whats_new/news-3232.html)





## Forced Marriage Consultation

The Forced Marriage (Civil Protection) Act 2007 provides for the government to issue statutory guidance setting out the responsibilities of all agencies dealing with forced marriage issues.



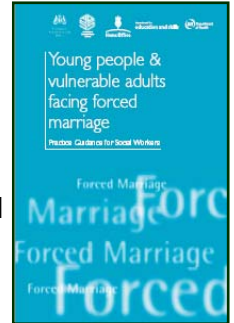
This consultation is an opportunity for practitioners and the public to comment on the draft guidance. It lays out statutory requirements that agencies must have with regards to tackling this issue, which will build on their existing responsibilities to protect children and vulnerable adults.

The guidance will play a key role in the fight against forced marriage. It will make sure victims and potential victims receive the response and support they need. The consultation closes on 15 October, to take part in the consultation please visit: [www.fco.gov.uk/fmconsultation](http://www.fco.gov.uk/fmconsultation)

\*\*\*\*\*

In 2004 ADASS were involved in producing guidance on social work practice 'Young people and vulnerable adults facing forced marriage' this can be downloaded from:

<http://www.adass.org.uk/publications/guidance/marriage.pdf>



## The Protection of Vulnerable Adults list: an investigation of referral patterns and approaches to decision-making

In 2005, the Department of Health (DH) commissioned and funded Kings College London to undertake a review of the first 100 referrals to the POVA list. DH also commissioned and funded this second phase of research to provide a more in-depth study aimed at exploring the factors leading to a placement on the POVA list, which addressed the following questions:

- What factors are associated with decisions to place referred staff onto the POVA list?
- Are there any commonalities and any differences within a sample of referrals to the POVA list?
- How are decisions being made about whether to place referred staff on the list?



sent to the researchers and a more detailed set of data was looked at in depth. Three vignettes or fictional cases were used as stimulus material in interviews with 18 POVA team members and in discussion groups with five managers, three frontline practitioners and 14 older people.

The research reveals a number of patterns in terms of referrals. Such findings have implications for managers when recruiting, training, supporting and managing care staff. Knowledge about patterns of abusive behaviour is important background for making judgements so this is worth a read!

The report describes how decision-making about whether a person should be barred is an iterative process of information gathering that includes an emotional and moral understanding of the referred person. This is the essence of a barring and vetting scheme; it is a matter of judgement.

Download the full study from: [http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH\\_086635](http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_086635)

Two datasets were analysed for the quantitative element of the research. First, data about all referrals to the POVA team were sent to the research team. Second, all the written information accompanying for a sample of 300 referrals was





## ISA next step in transition to new Vetting and Barring Scheme

### Background

Under the Safeguarding Vulnerable Groups Act 2006, Parliament has established a statutory Independent body to take the decisions on who should be barred from work with children and/or vulnerable adults – the Independent Safeguarding Authority (ISA). The existing barred lists (List 99, PoCA and PoVA) will be replaced, at go-live in October 2009, by the ISA's two new barred lists (one barring individuals from working with children; the other barring individuals from working with vulnerable adults).

### *Some key changes will start in October 2008.*

*A specific date from which these new arrangements will apply will be advised.*

*The Department of Health recommends the following action by those who advise employers and recruitment managers:*

**Information:** ISA will, from winter 2008, take barring decisions on new referrals under legislation relating to current lists, including the PoVA list. CRB's disclosure process for employers and the POVA First service are both unaffected; A barring decision by ISA between winter 2008 and the autumn 2009 go-live will have exactly the same effect as a Secretary of State bar now on PoVA, PoCA or on List 99 for unsuitability.

**Action:** Employers will have the same duty to make referrals, but will have to send them direct to the ISA. Nearer to the time details of how and where will be publicised. Employers, regulatory bodies, local and supervisory authorities will have a new duty to respond to requests from the ISA for information they hold already.

**Information:** PoVA (and PoCA) provisional listing on new cases will end. **Individuals who are referred to POVA will not be listed provisionally while the ISA considers whether or not to bar them.** That is why it is important that recruiting employers fulfil existing responsibilities at the recruitment stage.



**Action:** a prospective employer should check previous employment history and references carefully in

accordance with regulations made under the Care Standards Act 2000. In addition it is recommended that when taking up references, previous employers are asked whether they referred applicants to the POVA list on the grounds of misconduct which has harmed or caused risk of harm.

**Information on offences** The data gathered by ISA will include relevant criminal convictions, cautions, police intelligence and information referred to the ISA from other sources such as employers and professional bodies.

Certain extremely serious offences will result in automatic barring. These offences fall into two distinct categories:

1. Automatic barring with no right to make representations – this list covers the most serious offences against children and vulnerable adults, which indicate that an individual poses a risk of harm to children or vulnerable adults in every conceivable case.
2. Automatic barring with the right to make representations – this list covers other serious offences that indicate a very probable risk of harm to children or vulnerable adults but not necessarily in every conceivable case.

### **Benefits of changes which start in winter 2008**

- ✓ Further strengthening safeguarding arrangements to deliver the Government's commitments to establish the toughest ever vetting and barring scheme, placing decisions in the hands of independent experts.
- ✓ Widening the workforce which is covered by automatic barring of those newly convicted or cautioned for the most serious offences;
- ✓ A well managed, staged transition to the new Vetting and Barring Scheme by making sure that ISA casework will have been running for several months before go-live.

Download full document from:

[http://www.dh.gov.uk/en/SocialCare/Deliveringadultsocialcare/Vulnerableadults/DH\\_088153](http://www.dh.gov.uk/en/SocialCare/Deliveringadultsocialcare/Vulnerableadults/DH_088153)



## The Mental Capacity Act Deprivation of Liberty Safeguards – What's New?

***The Mental Capacity Act Deprivation of Liberty (DoLS) safeguards (formerly known as the Bournewood safeguards) were introduced into the Mental Capacity Act 2005 through the Mental Health Act 2007 (which received Royal Assent in July 2007). They will become statutory obligation in April 2009.***

### **Deprivation of Liberty Safeguards regulations for England laid in Parliament**

The Mental Capacity (Deprivation of Liberty: Standards Authorisations, Assessments and Ordinary Residence) Regulations 2008 were laid in Parliament on the 20 May 2008. These regulations relate to the eligibility criteria for and selection of, deprivation of liberty safeguards assessors and the timescales within, which assessments must be completed and the information to be supplied with a request for standard authorisation of deprivation of liberty. They also outline the arrangements that apply in certain cases, where there are disputes about the place of ordinary residence of a person coming within the scope of the deprivation of liberty safeguard provisions.

Read the full regulation on:

<http://www.dh.gov.uk/en/SocialCare/Deliveringadultsocialcare/MentalCapacity/MentalCapacityActDeprivationofLibertySafeguards/index.htm>

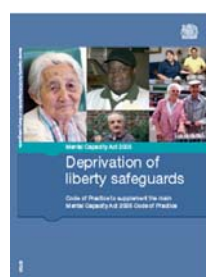
### **The Mental Capacity (Deprivation of Liberty: Appointment of Relevant Person's Representative) (Amendment) Regulations 2008**

were made on 5 September 2008 and laid before Parliament on 12 September 2008. These regulations correct a minor defect in the Mental Capacity (Deprivation of Liberty: Appointment of Relevant Person's Representative) Regulations 2008: they prevent supervisory bodies from selecting paid representatives from amongst their own employees, thus avoiding any conflicts of interest. The regulations are subject to the negative Parliamentary procedure and will come into force on 3 November 2008.

Read the full regulations on:

<http://www.dh.gov.uk/en/SocialCare/Deliveringadultsocialcare/MentalCapacity/MentalCapacityActDeprivationofLibertySafeguards/index.htm>

### **Deprivation of liberty safeguards - Code of Practice to supplement the main Mental Capacity Act 2005 Code of Practice**



published in April 2007. The laying of the Code follows the laying of DoLS regulations in Parliament on 20 May.

The Code of Practice contains guidance on the deprivation of liberty safeguards. It is particularly intended to provide guidance for professionals involved in administering and delivering the safeguards, who are under a duty to have regard to the Code. The Code is also intended to provide information for people who are, or could become, subject to the deprivation of liberty safeguards, and for their families, friends and carers, as well as for anyone who believes that someone is being deprived of their liberty unlawfully.

Download your copy from

[http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH\\_085476](http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_085476)

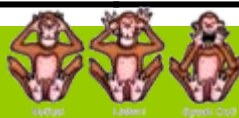
### **Deprivation of Liberty Safeguards Implementation Tool**

The Department of Health has developed an implementation tool that local Mental Capacity Act implementation networks may wish to use when estimating the number of assessments and staff that are likely to be required in 2009 / 10.

Ideally the tool will be used by local Mental Capacity Act implementation networks (of which there are 150 in England) as part of planning and preparation with all affected health and social care partners. It could be used in isolation by either councils with social services responsibilities or primary care trusts (or other organisations) but given the need for them to work together, not just With each other but also with care homes and hospitals, to successfully deliver the safeguards it will be more beneficial to use the tool as part of a collective exercise.

Download your Implemetaion Tool

[http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH\\_084204](http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_084204)



## Nursing Home Closed Amid Inquiry



**Rotherham Council closed Highfields Nursing Home to all placements until further notice.**

**An investigation by Police and social services is under way after 33 elderly people were moved out of a nursing home "for their own protection".**

The action was taken after medical staff contacted social services when a resident was admitted to hospital. Rotherham councillor Darren Hughes, who represents the ward in which the nursing home lies, said doctors were concerned about the resident's physical condition. There were also concerns about the management of the home and poor standards of maintenance throughout the building, which was sold by the council to a private owner about eight years ago.

### **'Unprecedented' action**

The council investigation will examine "serious concerns over management and care standards". South Yorkshire Police have confirmed they are investigating the home's management, including "potential neglect and financial aspects". The Commission for Social Care Inspection, which only inspected the home a few weeks ago, is also involved in the inquiry.

Mr Hughes said: **"Why was this not identified at an earlier stage? We need to ask why it is that the local authority has no way of measuring what the quality of care is in these privately-owned homes."** He said although Highfields had been temporarily closed it was hoped residents could move back once the investigation was completed as its licence to operate had not been withdrawn.

Source: [http://news.bbc.co.uk/1/hi/england/south\\_yorkshire/7627249.stm](http://news.bbc.co.uk/1/hi/england/south_yorkshire/7627249.stm)

## CSCI Orders Closure of Care Home



**The Commission for Social Care Inspection has ordered a Northamptonshire care home to close after inspectors decided residents' safety and welfare were at serious risk.**

The CSCI successfully applied for an urgent order from magistrates to cancel the registration of Southfield Care Home in Brackley, following a series of unannounced inspections. The privately owned care home, which has 34 residents, was given a no-star rating for poor service following its last published inspection.

CSCI's regional director Norwyn Cole, said a number of compliance visits had been carried out since its report and inspectors had continued to raise serious concerns over the provision of care. In particular, these included the administration and management of medication, low staffing levels and poor management overall. CSCI issued the home with enforcement notices, some of which were complied with but later slipped.

Mr Cole, said **"we have had concerns for some time about the poor standards of care. Despite being given every opportunity, the owner has failed to make the improvements necessary to meet national standards and to provide adequately for the needs of the residents."** He added: "We don't take the urgent cancellation route lightly given the upheaval it causes for residents and staff and we don't do it very often, but taking action at the lower enforcement level didn't change the problems,"

CSCI enforced 11 urgent cancellations of care home registration last year. The home cannot legally operate having received an urgent cancellation notice.

Source: <http://news.bbc.co.uk/1/hi/england/northamptonshire/7547183.stm>





## Southampton Council Takes Over



**Southampton Council takes over running of Briars Retirement Home over fears to residents**

**The Commission for Social Care Inspection has ordered the closure of the home as police investigate several suspicious deaths of residents.**

Police officers raided the care home on 17<sup>th</sup> September following allegations of neglect and ill-treatment. The CSCI followed this up with an urgent inspection and cancelled the providers registration after find that the residents 'safety and welfare were at serious risk. Staff from Southampton Council have taken over the management of the home and are looking for suitable placements for the remaining 24 residents in other care homes.

### **'Urgent nursing care needed'**

The 34-bed Briars Retirement Home was registered with the CSCI as a residential care home, providing meals and basic levels of care for older people, some of whom had dementia. However, inspectors found that some of the residents needed urgent nursing care. Under the cancellation notice, the home cannot legally remain open.

The previous inspection by CSCI in November 2007 recorded "adequate" standards of health and personal care, and praised staff for their "commitment, attitude and professionalism". A spokesperson for Hampshire Police said the raid was carried out by officers from the public protection unit "as part of an investigation into the care of a number of patients at the Briars some of which have since died". He added that the investigation was ongoing.

Source: <http://www.communitycare.co.uk/Articles/2008/09/29/109551/csci-closes-southampton-care-home-as-police-investigate-deaths.html>

## Homes Warden Abused Elderly Pair

**A report has found two pensioners in a sheltered housing scheme on South Tyneside were "bullied, publicly humiliated and abused" by a council warden**



South Tyneside Council failed to act for almost a year, despite being asked for help by the elderly man and woman. The Council said it expressed regret and had instituted an internal inquiry, as well as paying the pair compensation and giving them priority for re-housing.

The ombudsman's report said the two residents (identified as Mr P and Mrs S) were in their 60s and in 2004 they complained to the council that a female warden was restricting their use of communal facilities and verbally threatening them on a regular basis. But the council failed to do anything to resolve the situation, which worsened when the warden's daughter also began abusing the pair. The residents later supplied a tape recording of threats made by the warden's daughter, which were described as "harrowing".

Ombudsman Anne Seex said the council's failures meant the complainants suffered **"harassment and fear whilst living in what should have been a supportive environment"**.

The Ombudsman's report on the investigation into complaints against South Tyneside found that the Council failed:

- ✘ To act in accordance with its policy on the Protection of Vulnerable Adults;
- ✘ To operate its Corporate Complaints Procedure effectively;
- ✘ To undertake any proper investigation of serious allegations about the behaviour of an employee;
- ✘ To act in the face of very persuasive evidence of serious problems at the sheltered scheme.

Source: <http://news.bbc.co.uk/1/hi/england/tyne/7546638.stm>





## Conferences

### Good Practice in Safeguarding in Healthcare Settings

**Date:** 4<sup>th</sup> November 2008 **Venue:** Birmingham

A seminar for practitioners who work with vulnerable adults

**To find out more call:** 0791 789 2350

**Visit:** [www.elderabuse.org.uk/Conferences/SafeguardingGoodPractice.pdf](http://www.elderabuse.org.uk/Conferences/SafeguardingGoodPractice.pdf)



### Ann Craft Trust's Annual conference Safeguarding Across the Generations

**Date:** Wednesday 19 November 2008 **Venue:** Nottingham

Safeguarding of disabled children and vulnerable adults, the implementation of the Safeguarding Vulnerable Groups Act and the Independent Safeguarding Authority.

**To find out more, call:** 0115 951 5400 **Visit:** [www.anncrafttrust.org](http://www.anncrafttrust.org)



### Safeguarding in the NHS – Supporting The Safeguarding Agenda in Health

**Date:** 21<sup>st</sup> November 2008 **Venue:** London

This conference has been designed for all those involved in safeguarding roles in both health and social care services.

**To find out more call:** 0870 890 1080 **Visit:** [www.pavpub.com](http://www.pavpub.com)



### Safeguarding Vulnerable Adults

**Date:** 3<sup>rd</sup> December 2008 **Venue:** Manchester

Update on identifying abuse, neglect and bad practice; improving the regulation and monitoring of local safeguarding arrangements; a legal update examining the impact of the Safeguarding Vulnerable Adults Bill, implications of the Deprivation of Liberty Safeguards and the Mental Capacity Act.

**To find out more call:** 0208 541 1399 **Visit:** [www.healthcare-events.co.uk](http://www.healthcare-events.co.uk)



### Safeguarding the Most Vulnerable: Supporting Victims of Private Space Violence

**Date:** 10<sup>th</sup> December 2008 **Venue:** Westminster, London

Latest government measures to support victims, investigate best practice in supporting the most vulnerable throughout the legal process and examine measures to reduce the associated trauma experienced by 'victims on trial'

**To find out more call:** 0207 096 2922 **Visit:** [www.westminster-briefing.com](http://www.westminster-briefing.com)



### Tackling Sexual Violence Conference - Investigation, Prosecution and Victim Support

**Date:** 12 December 2008 **Venue:** London

Will examine the ways stakeholders can work together to increase convictions, improve support services and understand the needs of victims of rape and sexual violence.

**To find out more call:** 0870 165 8922 **Visit:** [www.capitaconferences.co.uk](http://www.capitaconferences.co.uk)



## ADULT PROTECTION UNIT THE TEAM...

Safeguarding Adults Manager: **Ruth Ingram**

Assistant Co-ordinators: **Bernadette Gallagher, Jayne Morrell, Sarah Turner**

MARAC Co-ordinator: **Kate Higgins**

Information & Administration Officers: **Magdalena Myrcha, Neena Punnu**

Office Manager: **Debi Morton**

Administration: **Theresa McKay, Suffia Hussain**

*The information obtained for this newsletter comes from a wide variety of sources, articles do not necessarily reflect the opinions of the Adult Protection Unit or the Safeguarding Adults Board. Inclusion of an article, insert or advert does not constitute an endorsement or recommendation.*

### Adult Protection Unit

Olicana House  
Bradford,  
BD1 5RE

#### General enquiries:

01274 431077

#### Duty/New Referrals:

01274 434442

(Monday-Friday  
9.00.12.30 only)

#### Training:

01274 433784

**Fax:** 01274 431727

#### Website:

[www.bradford.gov.uk/apunit](http://www.bradford.gov.uk/apunit)

