
Care Act 2014 - implications for safeguarding

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Care Act 2014

- Finally passed into law
- Implementation - gradual
- In the meantime - let's consult!
 - 83 questions
 - On draft guidance running to 334 pages
 - On 20 sets of draft regulations
- Very broad ranging. Focus on
 - Promoting wellbeing (section 1)
 - Safeguarding (sections 42 - 47, and 68)

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Promoting wellbeing

- "LAs must promote wellbeing when carrying out any of their support functions"
- Broader concept than Safeguarding
- "the 5 outcomes for adults"

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Promoting Wellbeing

What does "promote" mean?

- "actively seeking improvements"
- At every stage
- Service users and carers
- Whether have eligible needs or not
- No set approach
- Shift from existing duties to provide services, to concept of "meeting needs"

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Promoting wellbeing

It should inform:

- Planning of individual care packages
- Delivery of universal services
- Strategic planning

There are 8 other principles to be considered. They are...

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Promoting Wellbeing

1. Assume that individual is best placed to judge his wellbeing
2. The individual's views, beliefs, feelings, wishes
3. Preventing, delaying, reducing needs
4. Have regard to all the individual's circumstances
5. Individual should participate as fully as possible
6. Achieve balance between wellbeing of individual, and his carers
7. Protect from abuse and neglect
8. Restrictions on individual kept to a minimum

These are "common expectations", not specific activities.

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Promoting wellbeing

- Independent living - not within definition, but is a “core part”
- To look at people holistically, local authorities and their partners must focus on joining up around an individual

No consultation questions

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Safeguarding

6 key principles:

1. Empowerment
2. Prevention
3. Proportionality
4. Protection
5. Partnership
6. Accountability

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Safeguarding

Description (not a definition) of abuse:

- Physical, sexual, psychological
- Exploitation
- Financial or material abuse
- Neglect
- Discriminatory abuse
- Institutional abuse

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Safeguarding

- “early sharing of information is the key to providing effective help”
- “fear of sharing information must not stand in the way of promoting wellbeing”
- Have arrangements in place for inter-agency sharing
- Don’t assume someone else will share the information
- If SAB requests information, must comply if it will enable the SAB to do its job
- Should be a multi-agency agreement on info sharing

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Safeguarding

- “Anyone can witness or become aware of abuse, from a worried neighbour, a concerned bank cashier, a benefits officer”
- They must all understand what to do
- It is vital that professionals, and *members of the public*, are vigilant

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Safeguarding

Statutory duty on LAs to co-operate with “relevant partners”.

How to you reconcile:

- Safeguarding is everyone’s business
- Relevant partners must be clear where responsibility lies

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Safeguarding

Carrying out enquiries

- Statutory duty to make enquiries, or ensure others do so, if it reasonably suspects an adult with care needs is at risk of abuse
- Enquiry - range from a conversation, to a visit with the police
- If LA decides another organisation should make enquiry, LA “should be clear about timescales and the need to know the outcomes of the enquiry”.
- Objectives:
 - Establish facts
 - Ascertain individual's views and wishes and seek consent
 - Assess adult's needs
 - LA to decide follow-up action.

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Safeguarding

Record keeping

- Record every complaint or allegation, and action taken
- Available to commissioners, and CQC
- Clear direction to staff (strange questions).
- Policy for sharing records during an enquiry

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Safeguarding

Statutory duty on LA to arrange independent advocacy for adult subject to a safeguarding enquiry, or Safeguarding Adult Review.

- Dependent on adult's consent, or being in adult's best interests
- Role of advocate
 - Support adult's understanding
 - Representation, ensure voice heard
- Once enquiry starts, appoint as soon as possible

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Safeguarding

Statutory duty on LA to consider whether an appropriate person could facilitate individual's involvement in “the safeguarding process”.

Advocate could hand over to Appropriate Person. Or could have both.

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Safeguarding

Statutory duty on LA to set up a Safeguarding Adults Board, with 3 functions:

1. Publish strategic plan annually
2. Publish annual report on activities (including findings in SARs, and resultant action)
3. Conduct Safeguarding Adults Reviews

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Safeguarding - a SAB should...

- Identify roles and responsibilities for each agency
- Establish how to hold partners to account
- Determine arrangements for peer review and self-audit
- Establish mechanisms for developing multi-agency policies
- Develop procedures for identifying concerns, and making referrals
- Formulate guidance about arrangements for managing safeguarding
- Develop strategies to deal with impact of race, ethnicity, religion, gender, sexual orientation, age, disadvantage and disability on abuse
- Identify mechanisms for monitoring policy implementation
- Promote multi-agency training

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Safeguarding - SABs

Can cover:

- More than one area
- Children as well as adults

Membership can be wide, but must include:

- The LA setting it up
- All CCGs in the LA's area
- Chief officer of police

Consider independent chair

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Safeguarding - SARs

- SAB **must** arrange when adult in its area dies due to abuse, or experiences serious abuse, known or suspected, and there is concern that partner agencies could have worked together more effectively.
- SAB **may** arrange SAR where it believes an SAR would be valuable.
- SARs determine what could have been done differently to prevent harm or death.
- Purpose of SAR is not to hold anyone to account
- Vital that SARs are trusted and safe experiences
- Determine process locally
- Aim for completion within 6 months

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Safeguarding

Statutory duty on LAs to take all reasonable steps to protect moveable property of adult being cared for away from home.

- Consent needed
- A third party who tries to prevent authorised entry commits an offence
- Expenses are recoverable

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Safeguarding - 5 consultation questions

- Question 65: Are there any other types of behaviour that should be explicitly stated in the guidance? Are there any that should be removed?
- Question 66: Are there additional possible members of Safeguarding Adults Boards that we should add?
- Question 67: Are there additional aspects of the Safeguarding Adults Board's work that we should highlight?

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Safeguarding - 5 consultation questions

- Question 68: Would it be useful to append a draft template for the strategic plan for Safeguarding Adult Boards to use if they wish?
- Question 69: Is there anything we could add to improve how managers and practitioners view and participate in Safeguarding Adults Reviews?

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Questions



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