
**Meeting of the Health and Adult Social Care Scrutiny Committee –
15th November 2021**

Report of the Director of Adult Social Care

**Annual Adult Safeguarding Report and Deprivation of Liberty Standards
(LPS)**

Purpose

1. This report is being provided to highlight the work completed relating to adult safeguarding and to demonstrate the preparation and work required in relation to the forthcoming Liberty Protection Safeguards

Recommendations

2. It is recommended:-
 - Scrutiny Consider and comment on Dudley Safeguarding Adults Board's Annual Report for 2020/21

Background

3. The Dudley Safeguarding People Partnership (DSPP) Priorities are:
 - Neglect across the life course
 - Preventing Harm across the life course
 - Exploitation across the life course
4. **Key Achievements during 2020/21 with a brief summary of each**
 - The Adult Multi Agency Safeguarding Hub (MASH) has experienced unprecedented demand with regards to the number of safeguarding concerns being received, at times during the past year this has increased by over 50%. Despite this significant increase the Team have applied a consistent approach to decisions relating to Section 42 enquiries, the conversion rate across the Directorate has dropped. This establishes the threshold documentation as being successful.

- The multi-agency partnership successfully responded to individuals who present with alcohol and or substance misuse and are either street homeless or in temporary accommodation. The safeguarding partnership ensured emergency accommodation was made available to vulnerable adults who experienced this type of social and environmental challenges. This action ensured that the potential super infection sites were managed effectively
- The local authority has utilised several strategies to proactively triage and provide assessments who require the legal provisions of the Deprivation of Liberty Safeguards, the numbers of older vulnerable adults without this type of assessment has remained very low.
- The local authority has introduced a process which supports providers who are experiencing safeguarding issues prior to decisions being made to move into a large-scale investigation as directed by the Care Act 2014, the support offered to organisations helps to minimise risk and provide support to organisations and the residents, carers and family members
- The organisation and its multi-agency partners have successfully managed an increased number of Safeguarding Adult Reviews (SARs). Following national guidance due to the impact of the Covid 19 pandemic, a decision has been made by the independent safeguarding chair, Professor Paul Kingston which has been supported by the safeguarding partnership to pause, and where possible, combine referral through thematic analysis. Learning from Safeguarding Adults Reviews has been identified and is beginning to be embedded into practice.
- The local authority has developed and embedded a dedicated Adults at Risk team. This team predominantly support vulnerable adults who often present in crisis to services but do not meet statutory intervention.

Preparation for Liberty Protection Safeguards (LPS)

5. Summary Background Deprivation of liberty safeguards and deprivation in the community is due to change to LPS by April 2022. Any new deprivations will be under LPS regulations and all DoLs will cease once they reach authorisation end date or if there are any changes. Therefore, both systems will run concurrently for up to 12 months. LPS covers 16+ so implication for Childrens services, new statutory responsibilities for CCG, Acute Hospitals and Mental Health Trusts and new transitions from one to other or to the Local Authority (LA). LPS is embedded in MCA and care planning so greater expectation for any assessments for care or placement provision to be MCA compliant, within agreed timescales with formal involvement of family or IMCA. May be delegated responsibilities to Care providers to complete reviews. Best Interest Assessor (BIA) role will go and there will be a new role of Approved Mental Capacity Professional (AMCP). The LA will have a duty to ensure there are enough AMCP available for the area and approve their practice and re approval, but they will not necessarily employ them. We are all still waiting for the Code of Practice to come out



for consultation. As well as the Code we have not seen the finalised Impact Assessment, the Regulations and training framework. We were told it will all be released at the same time. However, if the training framework, and impact assessment are not ready we have also been told the delivery of the Code will not be held back. The Code will come out for consultation for 12 weeks then laid in Parliament for 42 days and we have been told it should then be published 6 months before legislation implemented. (But this is not possible in current timescale). The Training framework seen to date indicates there will be levels of training needed from basic awareness for everyone to specific training for the Necessary and Proportionate assessors and the AMCP.

6. Preparation to date ADASS (Association of Directors of Adult Social Services) West Midlands have seconded Lorraine Currie from Shropshire from 1st September (DoLs Regional and National LA Lead) to offer support and guidance on the implementation of LPS. Single agencies have working groups to look at resources, practice, process, and risks.
7. The Learning and Development Manager chairs the project group for LA and will report back to Head of Service and Adult Social Care Leadership Team. 17 Agenda Item 5 Multi agency group which includes Dudley Acute Hospital, CCG, Mental Health Trust and LA representatives are meeting looking at the implications of LPS and sharing good practice and learning. Next meeting 24th September. Dudley, Sandwell, Wolverhampton, and Walsall LA have been invited to meet with Christine Harris Designated Nurse Adult Safeguarding, Black Country and West Birmingham CCG, to look at some common issues. Meeting 1st October. Information has been disseminated and discussed with the Successor Project, Adult Social Care LAS and Childrens LCS information management systems to look at planning necessary to ensure systems are fit for purpose for LPS and statutory data returns are built in.
8. The lead practitioner for the Mental Capacity Act has been asked to update the corporate risk register to reflect any possible risks. The information and guidance used to complete this task will be taken from the work being conducted with the regional lead from West Midlands ADASS. Additionally, information being provided from the local task and finish group and project groups with partners will also inform the local authority corporate and partnership positions.
9. The local authority is currently working to identify the number of staff who will require training in the area of statutory provision and the communication pathways required for engagement with stakeholders and citizens of Dudley. The demand for LPS assessment cannot be accurately identified at this juncture as there will be a transitional period from DoLs to LPS. Additionally, mechanisms for identification of individuals will only be confirmed on receipt of the Code of Practice. As yet, this has not been made available. The lack of a code of practice is also negatively impacting on our and our partners ability to train staff accordingly. This issue is being monitored closely through the established sub-groups at a local and regional level.
10. Regional DoLS Leads Group meets bimonthly and has invited new LPS managers (appointed in some LA) to attend meetings so that any planning or learning can be shared regionally which will also assist with bench marking. Christine Conway attends

and feeds back to all interested parties including the Safeguarding Board Manager and DSPP Learning and Development Consultant. LPS fact sheets are available on the Department of Health and Social Care publication pages. Conclusion, LPS will be a major change which has implications for Adult and Childrens services and although the finer detail is not known it is imperative planning is undertaken as there are significant risks. Recommendations, decisions or actions required:-

- To consider the above and suggest any specific actions.
- Representatives from the partners, including Childrens Services to be identified to ensure they are included in the planning and information dissemination.
- To seek assurance from statutory partners that LPS is recorded on their corporate risk register
- To ensure that provider services which will be subject to the local authority as the managing authority are aware of the legal changes
- To develop a multiagency training strategy which support and informs the workforce to meet the legal requirements of this significant change

11. Safeguarding executive and board provide a scrutiny function of the safeguarding arrangements in Dudley MBC, the Independent Chair and the Director of Adult Social Care seek assurances where required. Additionally, the arrangements benefit from internal audit, and where required, external peer review

Finance

12. The Local Authority has provided financial resources to ensure it meets its statutory duties.
13. The Board is financially supported by the Local Authority, West Midlands Police and Dudley CCG.

Law

14. The service will be informed and will adhere to the requirements of the following legislation
 - 1) The human Rights Act 1998
 - 2) The Mental Health Act 2007
 - 3) The Mental Capacity Act 2005
 - 4) The Care Act 2014This is not an exhaustive list

Risk Management

15. A lack of appropriately trained staff would prevent us from meeting our statutory duties. If the local authority were unable to train or secure an appropriate number of Approved Mental Capacity Professional citizens would be at risk of being illegally detained with community nursing and residential setting, this would place the Local authority at risk of legal challenge as this may lead to citizen's Human Rights being breached.

Equality Impact

16. The West Midlands Safeguarding Procedures are implemented within Dudley and are consistent with the Equal Opportunities Policy of the Council.
17. The service will ensure that where appropriate a whole family approach will be utilized and referrals to required services made. Additionally, it is recognised that any citizen who is assessed as meeting the requirement of the two-stage test under the Capacity Act 2005 will potentially meet the protected characteristic as declared by the Equality Act and will be supported accordingly.

Human Resources/Organisational Development

18. There are no HR or organisational development implications in relation to the contents of this report

Commercial/Procurement

19. There are no commercial or procurement implications in relation to the contents of this report

Council Priorities

20. The service will seek to support individual to live their lives as safely as possible, informing individuals and applying least restrictive practice.
21. The new safeguarding arrangements in Dudley are consistent with building stronger, safer and more resilient communities in line with the Dudley Vision and to protect our residents' physical, and emotional health for the future.
22. The service will adhere to the declared position of the organisation
23. The service will ensure the Human Rights of the individual are considered and assured

M. Bowsher

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Appendices

Annual Adult Safeguarding Report 2020/21