

Minutes of the Safeguarding Overview and Scrutiny Committee Meeting held on 10 January 2022

Present: Bob Spencer (Chairman)

Attendance

Gill Burnett (Vice-Chairman (Overview))
Janet Eagland
Gillian Pardesi

Kath Perry, MBE
Jill Waring
Mike Wilcox

Also in attendance: Johnny McMahon and John Wood (SSASPB)

Apologies: Richard Ford, Julia Jessel, Jason Jones and Peter Kruskonjic

PART ONE

37. Declarations of Interest

There were none at this meeting.

38. Minutes of the previous meeting held on 30 November 2021

RESOLVED: That the minutes of the Safeguarding Overview and Scrutiny meeting held on 30 November 2021 be confirmed and signed by the Chairman.

39. Staffordshire and Stoke-on-Trent Adult Safeguarding Partnership Board Annual Report 20/21

The Cabinet Support Member for Public Health and Integrated Care introduced the Annual Report of the Staffordshire and Stoke-on-Trent Safeguarding Partnership Board and Mr John Wood, Independent Chair of the Board gave an outline of the Board's work.

Members understood that the Care Act 2014 required adult safeguarding boards to produce an annual report which was scrutinised by several bodies including the Local Authority.

Members considered detail of the SSASPB Annual Report 2020/21, noting key findings that:

- 12,176 occasions of concerns reported where adults with care and support needs had been, or were at risk of being, abused or

neglected, a significant rise from the previous year which may have been reflected in changes to reporting;

- 62% of Section 42 enquiries involved females which was disproportionately above the average for females in Staffordshire (50.3%);
- the most prevalent types of abuse were broadly similar to those reported in the previous year: 36% neglect and acts of omission; 18% physical harm; 15% financial abuse;
- 98% of adults involved in a Section 42 enquiry confirmed their desired outcomes had been fully or partially met, higher than the national figure of 95%.

Members noted two recent headline issues around problems developing where Covid 19 positive patients had been discharged from hospital into care homes and, separately, with Do Not Resuscitate (DNR) instructions added to patient files without appropriate consultation. Members were reassured that there had been no specific safeguarding concerns highlighted with regard to either of these matters in Staffordshire. They requested further data on the number of Covid positive patients discharged into care homes and details of the use of DNRs, which it was agreed would be forwarded to Committee Members after the meeting.

Whilst this was a very positive report Members remained concerned at the continued lack of consistency nationally in the recording of Section 42 enquiries by LAs. Work was ongoing to improve this, including through the LGA. The issue was around reporting differently and work continued to reach a consensus on this. Members were reassured that whilst there were differences in recording, the practices followed in response to concerns were similar.

The Chairman shared concerns over the ability to identify issues because of a lack of data in some circumstances and sought reassurance that the figures were reliable. Entries of "unknown" or "not recorded" had been discussed at the Safeguarding Board, with an acknowledgement that information needed to be input effectively to support decisions taken and work continued to address poorly reported areas. This was an ongoing focus.

There had been a significant rise in the number of Section 42 concerns raised in Staffordshire in comparison to the previous year. This increase was not reflected in the Stoke-on-Trent figures and Members queried the reasons for this. The disparity resulted from a change in the method of reporting by Staffordshire and whilst in real terms there was an increase, it was not as marked as figures indicated and was in-line with the national average increase of around 8%. The Independent Chair of the SSASPB commended Staffordshire for their approach in reporting which allowed visibility and greater discussion to enable more appropriate safeguarding

measures. He added that an increase in the number of reports should be seen as a positive as the nature of abuse and neglect is such that much of it is hidden.

Members noted the list of vulnerabilities within the report which were those defined by the Care Act.

The impact on quality of life resulting from missed appointments during the pandemic (eye appointments, hearing aids, dental work etc) was raised as a concern. These should be available again now and concerns should be reported in instances where this was not the case.

Members were reassured that quantitative and qualitative audits were undertaken to ensure robust safeguarding.

RESOLVED:- That:

- a) the Annual report be received in accordance with the requirements of the Care Act 2014 Statutory Guidance;
- b) data on the number of covid positive patients discharged from hospital into care homes be forwarded to Members after the meeting;
- c) information showing how DNRs are used in Staffordshire be forwarded to Members after the meeting; and
- d) efforts are made to ensure appropriate data is recorded in those areas currently shown as "not reported" or "unknown" for future annual reports.

40. Deprivation of Liberty Safeguards

Deprivation of Liberty Safeguards (DoLS) provided protection for the most vulnerable people living in residential homes, nursing homes or hospital environments. DoLS are the statutory requirement to ensure that care will always be provided in a way that is consistent with the human rights of people lacking capacity, who are not otherwise protected or safeguarded through Mental Health legislation.

The Supreme Court judgement in 2014 resulted in a seventeen-fold increase in DoLS requests to all LAs in England. From necessity Staffordshire had prioritised assessment of high-level cases, however on 8 March 2019 the Local Government and Social Care Ombudsman published its investigation report which found that Staffordshire had unlawfully decided not to carry out assessments of low and medium priority DoLS applications and significantly delayed assessing the remaining applications. The Cabinet meeting of 15 May 2019 agreed recommendations to tackle this issue and the Committee now received details of the actions taken.

Members noted that Liberty Protection Safeguards (LPSs) were being introduced through the Mental Capacity (Amendment) Act 2019 and would replace the DoLS system. The associated codes of practice had not yet been published and the department for Health and Social Care had extended the timescales, with no date currently given for implementation. However, the Committee were reassured by the activity undertaken to prepare for its eventual introduction.

From January 2020 to October 2021 Staffordshire had granted 1093 DoLS and had recorded 37 as "not granted". The Committee asked whether this was in-line with other LAs and/or the national average. Comparisons were difficult as LAs all worked slightly differently. Staffordshire assessments regularly underwent an audit process, with their triage process also regularly audited and reviewed. Staffordshire was also part of a peer review process at West Midlands Region.

There was an aim to reduce the waiting list to 1000 by March 2022 and Members queried whether this was on target. This was an internal target, with the current trajectory giving reasonable confidence that it would be met, although there were several external issues that could yet impact on it. An historic underspend within Social Care had been invested in officer resource to enable the improvement to be made, and to ensure this progress remained continued investment would be needed.

Deprivation of Liberty within the Community referred to accommodation settings such as supported living, shared lives placements, or a persons own home. In these circumstances an application had to be made to the Court of Protection. Staffordshire currently had 47 ongoing cases made up of 39 renewal applications and 8 new applications. Members noted there were significant challenges within the Court system, with approximately a six month waiting time for cases to be heard. Members queried whether this was in-line with other LAs, with a suggestion that it may be helpful for this data to be shared at West Midlands region to enable regional data to be collated and help identify and address any unique concerns.

RESOLVED: That:

- a) the updated position regarding the waiting list for DoLS in Staffordshire be noted and Officers be congratulated on the improvements achieved;
- b) the Council's continued triage of cases to ensure the highest risk cases are prioritised be welcomed;
- c) the delay in releasing statutory guidance regarding Liberty Protection Safeguards and the significant future transformation work needed be noted.

41. Adult Safeguarding Transformation Project

At their meeting of 14 September 2021 details of the Adult Safeguarding Transformation Project had been scrutinised by Members. The Committee had requested an update on the Project, specifically detail on whether the changes anticipated to be in place by the end of December 2021 had met the deadline as well as details on Key Performance Indicators (KPIs).

Members were encouraged with the progress made.

RESOLVED: That the progress made within the Adult Safeguarding Transformation, including the Key Performance Indicators, be welcomed.

42. Work Programme

Members considered their current work programme and noted that the agenda items scheduled for 28 February may need to roll back to the April meeting dependent on the availability of the Cabinet Member for Children and Young People.

The Spotlight Review on sexual harassment in schools has its information gathering session on 14 January. Members were reminded that once the review had produced its report it would be brought to the Committee for approval prior to being referred to the Cabinet Member for an executive response.

RESOLVED – That the work programme be noted.

Chairman