

# Essex Safeguarding Adults Board

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Spring 2010

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## Law Commission's Adult Social Care Proposals

### Social Care legislation to be given "radical shake up"

The Law Commission has unveiled proposals on adult safeguarding set out in the Adult Social Care Consultation Paper which was released on Wednesday. The Law Commission, which advises ministers on legal reform, said that laws covering the provision of adult social care were 'outdated' and in need of a 'radical shake-up'. It called for the legal framework for adult social care (currently spread across 38 separate Acts of Parliament dating back more than 60 years) to be removed, and a "single, clear and modern statute" put in its place.

The proposals include a statutory obligation for local authorities to investigate if they suspect vulnerable adults are being abused or neglected. The Law Commission also wants to see a duty for each local authority to form an adult-safeguarding board and a duty for organisations to co-operate in adult-safeguarding cases. The commission said it was 'not looking to create new entitlements to care but to clarify existing rights'.

Frances Patterson QC, who is leading the project, said the proposals were intended to ensure that people in need of care, and those working in the system, are clear about the individual's rights to services.

She said: "It is unacceptable that people should have to look at more than 38 Acts of Parliament, plus thousands of pages of guidance, to work out what the system is for delivering these essential services. We are seeking to bring clarity to the system of social care. We are not seeking to change existing entitlements. A clear, modern statute will save time and money wasted on operating the current time-expired system."

The Law Commission is holding a consultation into the proposals over the next four months. To view the consultation paper and submit views visit:

<http://www.lawcom.gov.uk>

## News in short:

CQC inspection fieldwork completed on 31st March 2010. Full report to follow.

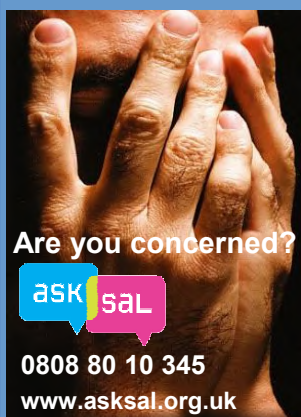
Department of Health: Clinical governance and adult safeguarding guidance published from 'No Secrets' review.

## Care Quality Commission

### inspection update

Essex County Council's adult social care services' full CQC service inspection fieldwork was completed on 31<sup>st</sup> March 2010; feedback from the inspection's findings will be published in the final inspection report in Summer 2010.

In Essex, CQC selected two further areas for review: 'Improved Health and Wellbeing' and 'Improved Quality of Life' and the inspection focussed on how improved outcomes in these areas are delivered for older people. For Essex County Council, partnership is key and CQC involved partners throughout the inspection process.



**Are you concerned?**

ask sal

0808 80 10 345

[www.asksal.org.uk](http://www.asksal.org.uk)

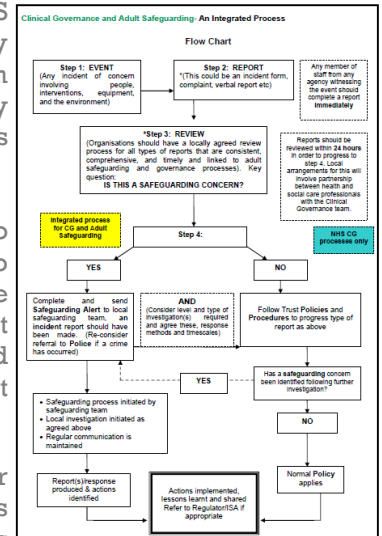
## Department of Health's 'No Secrets' review consultation Guidance assisted by Essex NHS Operational Leads Group is published

The Department of Health has published guidance which aims to ensure that NHS clinical governance systems and adult safeguarding processes are fully integrated. Clinical governance and adult safeguarding: an integrated process can be accessed by visiting <http://www.dh.gov.uk>. The guidance was developed by National 'No secrets' NHS Advisory Group and the Essex NHS Operational Leads Group.

The guidance follows the Department of Health's consultation on reviewing No Secrets which governs adult protection processes. It encourages organisations to develop robust local arrangements to ensure that adult safeguarding issues are appropriately addressed, and provides a flow chart setting out how adult safeguarding and clinical governance processes should be integrated. It is hoped that an integrated approach will avoid duplication of investigations and permit greater learning from adverse events.

The flow chart indicates the stages at which NHS organisations should consider whether incidents raise adult safeguarding issues and, if so, how these issues should be dealt with. The guidance also provides some useful practical examples to help explain the integrated process for managing adult safeguarding and clinical governance concerns.

The guidance refers to there being a perception that adult safeguarding issues within the NHS are largely dealt with "in-house" rather than through the multi-agency process advocated by the No Secrets guidance. The integrated process should help NHS bodies to correctly determine when a multi-agency safeguarding investigation is appropriate.



## Adult Safeguards Unit DVD

### Safeguarding Vulnerable Adults: Everyone's Responsibility

Essex County Council's Adult Safeguarding Unit has released a DVD titled 'Safeguarding Vulnerable Adults: Everyone's Responsibility'. The video which lasts approximately 25 minutes covers a number of the key areas in adult safeguarding with input from representatives of various partner organisations.



**Paul Bedwell**  
Essex Safeguarding Adults Board

To get a copy of the DVD, contact the Adult Safeguarding Unit on 01245 434861 or visit [http://www.deadlinecommunications.co.uk/ecc\\_safeguarding.htm](http://www.deadlinecommunications.co.uk/ecc_safeguarding.htm) to access the film online.



**Stephen Bunford**  
Operational Service Manager, Adult Safeguards Unit

## Independent Safeguarding Authority

### New guidance issued on using vetting and barring scheme

Full guidance to assist employers and voluntary groups in implementing the Vetting and Barring Scheme (VBS) has been published recently by the Home Office. The new scheme, which is delivered by the Criminal Records Bureau (CRB) and the Independent Safeguarding Authority (ISA), aims to prevent unsuitable people who could pose a risk of harm to children or vulnerable adults from being able to work or volunteer with these groups.

The guidance document contains detailed information about what actions employers and employees will be required to take under the scheme. It also outlines what they should do in preparation for 26 July, when registration to the scheme begins.

More information can be found by visiting:

<http://www.direct.gov.uk/vetting>.



The Vetting and Barring Scheme Guidance  
March 2010

## Prosecuting crimes against older people &amp; disability hate crime

**What does the CPS do? Who are they?**

The CPS exists to ensure that wrongdoers are brought to justice, victims of crime are supported and that people feel safer in their communities. Headed by the Director of Public Prosecutions, the CPS is the main prosecution service for England and Wales. Despite working very closely with the police, the CPS remains an independent body with the responsibility of deciding (in all but the most minor cases) whether a suspect should be charged with a criminal offence and, if so, what the charge(s) should be.

**What do the CPS mean by 'older people' and why do they have a policy about them?**

The CPS definition of 'older people' is anybody aged over 60. Having an older person policy helps them to take into account the impact of the crime on the individual and the impact that court proceedings may have on the individual.

Although many older people are not, and do not consider themselves to be frail, vulnerable or in need of support in any way, some older people do have problems with physical or mental health and some may need to rely on others for help.

In relevant cases therefore, the CPS works closely with social services, social care and health inspection regulatory bodies, GPs, hospitals, advocacy and other specialist services for older people. The CPS also works with the individual(s) involved and the relevant families.

**What criminal offences against older people do the CPS prosecute on?**

The CPS deals with a wide range of behaviour towards older adults that might, depending on the circumstances, amount to a criminal offence.

Examples of such behaviour could be: Threats of harm or abandonment, deprivation of contact/isolation, humiliation/intimidation, emotional blackmail, theft/fraud, pressure in connection with wills, powers of attorney. For more information visit <http://www.cps.gov.uk/publications/>.

**What do the CPS mean by 'disability hate crime'?**

There is no legal definition of disability hate crime. However, when prosecuting cases of disability hate crime the following definition is adopted:

*"Any criminal offence, which is perceived, by the victim or any other person, to be motivated by hostility or prejudice based on a person's disability or perceived disability"*.

Safety and security and the right to live free from fear and harassment are basic human rights. The CPS has a policy of prosecuting disability hate crime fairly, firmly and robustly.

**What can the court do if somebody is targeted because of their disability?**

If somebody pleads or is found guilty of a crime, and the court is satisfied that the crime was motivated by hostility because of disability, the court must treat the hostility as a factor making the crime more serious. The court must state this openly so that everyone knows this is the case.

**If somebody has mental health issues or a learning disability, will the court take them seriously?**

Yes. The CPS will apply their policies on 'supporting victims and witnesses with mental health issues' and 'supporting victims and witnesses with mental learning disabilities'. No assumptions will be made about reliability/credibility and the person in question will be consulted (if appropriate relatives/carers/medical experts will also be consulted) to consider what support can be given to assist in giving evidence.

**What support can be given in court?**

Support can include, for example, transport to and from court; giving evidence through a live link rather than in the court room; ensuring time is given for taking medication; asking questions in a way that the person can best understand or having an intermediary to explain questions being asked and answers being given.

Wherever possible, the CPS will try to make sure that separate waiting facilities are made available for the prosecution witness so that mixing with the defendant and his/her family and friends is



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## Essex Safeguarding Adults Board

New Bridge House, 60-68 New London Road, Chelmsford, Essex, CM2 0PD  
Phone: 01245 506642 <http://www.essexsab.org>

### Ask SAL update Promotional work

Alongside all of the traditional forms of advertising used in the promotion of the Ask SAL helpline, partner agencies involved with the initiative are trialling an outdoor media campaign in West Essex during March and April. A combination of public transport advertising (both on bus stops and the busses themselves) and billboard advertising will be used across Harlow, Great Dunmow, Saffron Walden, Epping, Waltham Abbey and Stansted.



The impact of the campaign will be monitored and if the results are positive, similar campaigns may be initiated across the county over the coming year. Since the launch of the helpline in June 2009, Ask SAL has received in excess of 300 calls. 10% of all calls to the line have resulted in a SET SAF adult safeguarding referral.

## Training Opportunities

### Basic Awareness Training

Free places are still available on the following dates:

4th May—Maldon

3rd June—Epping

16th July—Chelmsford

28th July—Brentwood

For bookings please contact [Michala.Jury@essex.gov.uk](mailto:Michala.Jury@essex.gov.uk)

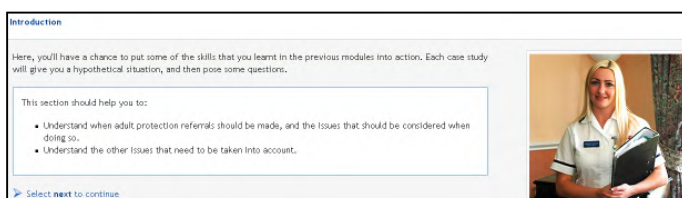
### Training for trainers course:

The next training for trainers course with spaces available takes place on:

**4th, 5th & 6th October** in Chelmsford, Essex. Contact [Michala.Jury@essex.gov.uk](mailto:Michala.Jury@essex.gov.uk) for further details.

### E-Learning

In addition to conventional training ESAB now offers an on line basic awareness training package consisting of approximately 2 hours of core study material. Please email [ESAB@essex.gov.uk](mailto:ESAB@essex.gov.uk) for further information.



### The training covers a range of topics including:

- Background to adult safeguarding
- What is abuse (signs and indicators)
- Roles and responsibilities
- Case studies
- Reporting procedures

The programme links to useful documents, procedures and forms and concludes with an on line assessment which provides a random selection of 13 questions taken from a comprehensive question bank. User results will be recorded for management information and learners will receive a summary of their achievement and a certificate.

The package is suitable all for individuals who work directly with vulnerable adults. Please note that to use this training package you will need a computer running Internet Explorer 5.0 or greater.

To apply to use the training please complete the on-line application form and send this to the ESAB at [ESAB@essex.gov.uk](mailto:ESAB@essex.gov.uk) or by post to:

ESAB, New Bridge House, 60-68 New London Road, Chelmsford, CM2 0PD

Please direct any enquiries to the email address above or by telephone to 01245 506642.