



*Safeguarding
is everybody's
business*



EAST RIDING
OF YORKSHIRE COUNCIL

Safeguarding Adults at Risk of Harm

Protocol

East Riding of Yorkshire Council

&

East Riding Safeguarding Adults Board

Contents

<u>Contents</u>	
Purpose of the Protocol	3
Background to Adult Safeguarding	3
Role of Council Members	6
Role of Local Authority Officers	9
Role of the Chair of the Safeguarding Adults Board	11
Children and Adult Safeguarding inter-service transitional arrangements	13

APPROVED

Purpose

The purpose of this protocol is:

- To ensure that the public interest is best served by the presence of a clear protocol in relation to safeguarding adults at risk of harm between the members and officers of the East Riding of Yorkshire Council and the Safeguarding Adults Board.
- To provide guidance to the members & officers of the East Riding of Yorkshire Council so that people are clear about their roles and responsibilities.

Background

1.1 The Care Act 2014 provides a legal framework for Safeguarding Adults at risk of harm and outlines the responsibilities of the local authority and other statutory agencies.

1.2 Local authorities must:

- Make enquiries, or ensure others do so, if it believes an adult is subject to, or at risk of, abuse or neglect. An enquiry should establish whether any action needs to be taken to stop or prevent abuse or neglect, and if so, by whom
- Set up a Safeguarding Adults Board (SAB) with core membership from the local authority, the Police and the NHS (specifically the local Clinical Commissioning Group/s) and the power to include other relevant bodies
- Arrange, where appropriate, for an independent advocate to represent and support an adult who is the subject of a safeguarding enquiry or Safeguarding Adult Review (SAR) where the adult has 'substantial difficulty' in being involved in the process and where there is no other appropriate adult to help them
- Cooperate with each of its relevant partners in order to protect adults experiencing or at risk of abuse or neglect.

1.3 The act also updates the scope of adult safeguarding duties:

Where a local authority has reasonable cause to suspect that an adult in its area (whether or not ordinarily resident there) –

- (a) Has needs for care and support (whether or not the authority is meeting any of those needs),
- (b) Is experiencing, or is at risk of, abuse or neglect, **and**
- (c) As a result of those needs is unable to protect themselves against the abuse or neglect or the risk of it.

The local authority must make enquires or cause others to do so

This means that regardless of whether they are providing any services, the local authority must follow up any concerns about either actual or suspected adult abuse.

1.4 All local authority departments must make their staff aware of adult abuse and neglect and where and how to report any concerns that they have.

1.5 The Director of Public Health must ensure that their service is working within a safeguarding context to prevent abuse.

1.6 Councillors should be aware of their corporate role in preventing and reporting abuse. The Overview and Scrutiny Committee and Health and Wellbeing Board will have sight of the SAB's strategy and annual reports so must have an understanding in how to interpret and challenge them.

1.7 The Care Act sets out the statutory responsibilities of the Safeguarding Adults Boards.

The Safeguarding Adults Boards must:

1. Publish a **strategic plan** for each financial year that sets out how it will meet its main objective and what each member is to do to implement that strategy. In developing the plan it must consult the Local Healthwatch organisation and involve the community.
2. Publish an annual report detailing what the SAB has done during the year to achieve its objective and what it and each member has done to implement its strategy as well as reporting the findings of any Safeguarding Adults Reviews (SAR) including any ongoing reviews.

3. Decide when a Safeguarding Adult Review is necessary, arrange for its conduct and if it so decides, to implement the findings. Where the SAB decides not to implement an action from the findings it must state the reason for that decision in the Annual Report.
- 1.8 The advances in personalisation of social care go hand-in-hand with the new approach to safeguarding; empowering people to speak out, make informed choices, with support where necessary, and encouraging communities to look out for one another. The two concepts are also inseparable from quality of life and dignity.
- 1.9 The Making Safeguarding Personal programme, led by ADASS and LGA, has gained widespread momentum. It follows the edict of 'no decision about me without me' and means that the adult, their families and carers are working together with agencies to find the right solutions to keep people safe and support them in making informed choices.

APPROVED

2 Role of Council Members

2.1 The statutory guidance that accompanies the Care Act 2014 highlights the need for local authority members to have a good understanding of the range of abuse and neglect issues that can affect adults and the importance of balancing safeguarding with empowerment. Local authority members need to understand prevention, proportionate interventions and the dangers of risk adverse practice and the importance of upholding human rights.

2.2 Overarching Safeguarding Role of all Council Members¹

As community leaders, championing the wellbeing of their constituents, Councillors are in a position to raise awareness of adult safeguarding within their communities. They may become aware of individual cases of abuse and neglect through their work with constituents and so have a duty to report it, using the appropriate procedures.

2.3 Members will support the work of Adult Safeguarding by taking opportunities to raise awareness of safeguarding within their communities and highlighting what people need to do if they have concerns.

2.4 Similarly as part of their governance role, holding council executives and their partners to account, and accounting to their constituents for what has been done, all Councillors have a responsibility to ask questions of the executive and other partner organisations about the safety of adults at risk in their area, and about the outcomes of adult safeguarding.

2.5 To facilitate and enable their governance role the Leader and deputy leader will meet with the ERSAB Chair bi-annually.

2.6 Lead Member for Adult & Carers Services

The Lead Member for Adults' & Carers Services; has a role to provide the political leadership, accountability and direction of the council's services. The Lead Member has a role in ensuring that the various departments within a council work together to promote wellbeing, prevent social exclusion and protect adults at risk of harm from abuse. The Lead Member will also be a full member of the Safeguarding Adults Board.

¹ This protocol is based on the Local Government Association publication; 'Councillors Briefing Safeguarding Adults 2013' the 'Care Act 2014 Statutory Guidance' and the joint paper 'Safeguarding adults Roles and responsibilities in health and care services' (LGA, ACPO, NHS England, ADASS, & CQC)

2.7 Members of Overview and Scrutiny Committees

Councillors in OSC have a crucial role in ensuring that the system works through holding appropriate officers to account.

2.8 Health, Care & Wellbeing Overview & Scrutiny members will review the work of Adult Social Care and Safeguarding Adults Board to find out:

- How abuse is being prevented through good multiagency work and assuring quality care
- How well services work to improve outcomes for people who have experienced harm and abuse
- How far care plans and protection plans are keeping people safe from abuse
- How agencies are ensuring that people's human rights are respected
- How agencies are involving people fully in decisions about their lives especially when they do not have capacity
- How services uphold the right to justice for people who have experienced harm or abuse
- How well services address what happens to the people who have harmed or abused others.
- How the Mental Capacity Act is being implemented effectively alongside safeguarding so that people have access to advocacy, and best interest decision making.
- If there are effective links between adult safeguarding and domestic violence, child protection, victim support, and community safety and cohesion?
- What training is available on safeguarding policies, procedures and practice for staff and Councillors.
- If the SAB have the resources, both financial and human, to undertake its role effectively and deliver the SAB business plan.

2.9 The Health, Care & Wellbeing Overview & Scrutiny Committee will take reports from the Chair of the Safeguarding Adults Board as necessary.

2.10 Councillors in other relevant roles

Councillors who are members of bodies which have a safeguarding remit such as Health and Wellbeing Boards, Community Safety Partnerships, Hate Crime or Domestic Violence Partnerships, will need some knowledge of adult safeguarding in order to fulfil their responsibilities and know what questions to ask. Councillors who are Lead Members for Children's Services will need to be aware of the links with adult safeguarding.

2.11 Communication

The Head of Adult Services and the Head of Business Management and Commissioning are identified as the points of contact for members who have broad general concerns regarding adult safeguarding issues or questions regarding an officer's response and wish to explore them further. Specific concerns regarding individual adults at risk of harm will be dealt with by referral to the Safeguarding Adults Team by telephone 01482 396940

2.12 Member/Officer Relationships and Disagreements

Any disagreements or disputes should in the first instance be discussed with the officer concerned if that fails to resolve the issue the matter should be raised with the relevant Head of Service and/or Director. Further guidance can be found in the East Riding of Yorkshire Council Constitution Annex 'A' Member Code of Conduct, Annex 'B' Protocol for Councillor & Officer Relationships and Annex 'C' Code of Conduct for Employees.

3. Role of Local Authority Officers

Role of East Riding of Yorkshire Council's Chief Executive

- 3.1 Establishing a Safeguarding Adults Board is the responsibility of East Riding of Yorkshire Council's Chief Executive. It is also the responsibility of the Chief Executive, after consultation with the Board partners, to appoint or remove the ERSAB Chair.
- 3.2 The ultimate responsibility for the effectiveness of the ERSAB rests with the Chief Executive who will hold the ERSAB to account. This responsibility will be exercised through establishing clear lines of reporting and accountability between the Chief Executive and the ERSAB Chair.
- 3.3 The ERSAB Chair, Director of Corporate Strategy & Commissioning and Head of Adult Services will meet as a minimum bi-annually with the Chief Executive.

Role of the Statutory Director of Adult Social Services (Head of Adult Services)

- 3.4 The DASS will meet bi-monthly with the chair of the Safeguarding Adults Board to discuss safeguarding adults at risk of harm and their wellbeing across the local authority area.
- 3.5 The DASS is responsible for ensuring:
 1. There is a clear organisational focus on safeguarding adults in vulnerable situations.
 2. Clear protocols are in place for dealing with adults identified as being at risk and that all staff are aware of these protocols.
 3. Ensuring that the Safeguarding Adults Board is working effectively and that the protection of adults at risk of harm requirement is met.
 4. Ensuring that staff providing care services exercise a duty of care and that the personal dignity of service users is upheld.

Responsibilities of officers

- 3.6 The safeguarding role of the local authority is discharged by:

1. Ensuring that there are enough, sufficiently trained specialist professional services designed to identify, empower and protect adults who are at risk of or are being harmed or experiencing abuse
2. Co-ordinating the provision of targeted social care and support services to adults that enable them to manage risks and benefits
3. Commissioners by assuring themselves of the quality and safety of the organisations they place contracts with; standards of care should safeguard people's dignity and rights. Contracts must have explicit clauses that hold the providers to account for preventing and dealing promptly and appropriately with any example of abuse and neglect.
4. Ensuring that there are effective and well publicised ways for staff to share concerns and that operational front line staff are able to identify and respond appropriately to signs of abuse and substandard practice.
5. Ensuring the co-ordination of effective domestic violence, substance abuse, hate crime and anti-social behaviour services that include 'adults at risk'.
6. Ensuring that the environment that people live in is safe through providing good housing, safe roads and well cared for public spaces
7. Being satisfied that universal services provided for everyone (leisure, adult learning, housing, employment support etc) are alert to safeguarding issues and have clear operational procedures that reflect the framework set by the SAB.
8. Ensuring that health organisations and councils work together across different systems and integrate safeguarding effectively with health care regimes related to clinical governance, patient safety and Serious Incidents
9. Exercising leadership and influencing skills, including championing the rights of 'adults at risk' with partners to ensure that they are treated with dignity in their own homes, care homes and hospitals and that they have access to criminal justice services in the same way as others
10. Ensuring that there is support for people who are experiencing, or have experienced harm or abuse, including support with difficult decision making, a

range of options for mediation or family support, help with healing and regaining self respect and control over their lives

11. Ensuring the Council's community leadership role supports awareness of the need to safeguard people with the voluntary sector, faith bodies and other community bodies

3.7 The Head of Adult Services and the Head of Business Management and Commissioning are identified as the points of contact for members who have broad general concerns regarding adult safeguarding issues or questions regarding an officer's response and wish to explore them further. Specific safeguarding concerns regarding individual adults at risk of harm will be dealt with by referral to the Safeguarding Adults Team by telephone 01482 396940

3.8 Member/Officer Relationships and Disagreements

Any disagreements or disputes should in the first instance be discussed with the Councillor concerned if that fails to resolve the issue the matter should be raised with the officer's line manager and consider escalation to the relevant Head of Service and/or Director. Further guidance can be found in the East Riding of Yorkshire Council Constitution Annex 'A' Member Code of Conduct, Annex 'B' Protocol for Councillor & Officer Relationships and Annex 'C' Code of Conduct for Employees.

4 Role of the Chair of the Safeguarding Adults Board

- 4.1 The overarching role of the chair of the ERSAB is to lead, co-ordinate, support and challenge partner agencies working to safeguard and promote the wellbeing of 'adults at risk of harm' and to improve outcomes for and with them.
- 4.2 The chair of the Safeguarding Adults Board will meet the local authority Chief Executive, Director of Corporate Strategy & Commissioning and Head of Adult Services (nominated DASS) as a minimum bi-annually to outline the key strategic issues and challenges facing the board.
- 4.3 The chair of the Safeguarding Adults Board will also meet the leader and deputy bi-annually and provide a briefing on the current key strategic issues for the board.
- 4.4 The chair of the Safeguarding Adults Board will meet bi-monthly with the East Riding of Yorkshire Council DASS to discuss safeguarding adults at risk of harm and their wellbeing across the local authority area.
- 4.5 The chair of the Safeguarding Adults Board will attend the Council's Health Care & Wellbeing Overview & Scrutiny Committee as required. In addition the chair will present the board's annual report.
- 4.6 The Chair of the East Riding Safeguarding Adult Board (ERSAB) will have the following functions:
1. To ensure that the ERSAB operates effectively in exercising its functions as set out in the Care Act 2014 statutory guidance, so that its business can be performed effectively.
 2. To collaboratively lead the strategic development of ERSAB, providing advice, support and encouragement and respond to locally identified priorities for adult safeguarding.
 3. To lead the ERSAB and its members in the development of a strategy and annual business plan and ensure that this plan is effectively discharged, using challenge, negotiation and support where necessary.
 4. To offer constructive challenge and hold ERSAB partner agencies and ERSAB Sub-Groups to account for performance and conduct relating to the business of the Safeguarding Adult Board.

5. To ensure that ERSAB partner agencies collaborate in coordinating and discharging their individual and joint duty to safeguard and promote the welfare of Adults at risk of harm in the East Riding of Yorkshire.
6. Ensure that the ERSAB provides a performance framework which extends throughout the partnership, including evaluation of ERSAB's own activity to demonstrate the effective performance of all member agencies in relation to safeguarding.
7. To seek assurance that interfaces with other strategic functions (such as Safeguarding Children's Board, Health & Wellbeing Board and Community Safety Partnerships) are effective whilst also acting as spokesperson for the ERSAB.
8. To ensure the ERSAB has the capacity to challenge and be an independent voice.
9. Make decisions on whether or not a safeguarding adult review requires an external independent chair and report writer. Participate in consultation and decision making on safeguarding adult reviews where this is requested and appropriate.
10. Agree responses to media enquiries with other partner agencies and as required represent the ERSAB in public including in the media when appropriate. The Chair may be asked to give a public response on behalf of the ERSAB in certain situations, such as following a Serious Case Review.

5 Children and Adult Safeguarding inter-service transitional arrangements

- 5.1 Effective communication between the Safeguarding Adults Board and the Safeguarding Children's Board as well as a clear understanding of the key strategic issues affecting both boards is vital to ensure the efficient delivery of cross cutting themes and outcomes.
- 5.2 To facilitate the flow of information and key issues the Head of Children's Service will sit on the Safeguarding Adults Board and the Adult Services Strategic Service Manager with responsibility for Safeguarding will sit on the Safeguarding Children's Board.

- 5.3 The Safeguarding Adult Board Independent Chair will meet bi-annually with the chair of the Safeguarding Children's Board to identify and discuss the key strategic issues that are impacting on both areas of business.
- 5.4 The Cabinet portfolio holder for Adults & Carers Services and the Cabinet portfolio holder for Children, Young People & Education will together ensure topics and issues that cut across both portfolios are shared and where necessary raised at the relevant board.
- 5.5 An Adult Services Area Manager will sit on the Children's Joint Commissioning Panel to help support seamless crossover of the services.
- 5.6 An Adult Services Area Manager and a representative of the Safeguarding Children's Unit will attend MAPPA meetings and will share appropriate information necessary to safeguard children and adults at risk of harm
- 5.7 Adult services staff working in Transitions work jointly with their counterparts in children's services, sharing information and where necessary referring concerns via the Adult Safeguarding Team or Golden number for concerns regarding children.
- 5.8 Frontline Adult Services Staff in Learning Disabilities working across children and adult services will attend regular training in adult and children's safeguarding.