

**MIDDLESBROUGH COUNCIL**

**OVERVIEW AND SCRUTINY BOARD**

**FINAL REPORT OF THE SOCIAL CARE AND  
ADULT SERVICES SCRUTINY PANEL –  
SAFEGUARDING VULNERABLE ADULTS**

**PURPOSE OF THE REPORT**

1. To present the final report of the Social Care and Adult Services Scrutiny Panel following its investigation into Safeguarding Vulnerable Adults.

**AIMS OF THE INVESTIGATION**

2. Under the Care Act 2014, Middlesbrough Council, like all Local Authorities, has a duty to ensure the effective safeguarding of all vulnerable adults. In view of this, the Social Care and Adult Services Scrutiny Panel sought to:
  - a) Ascertain the work currently being undertaken in respect of adult safeguarding;
  - b) Identify the systems, processes and procedures presently in place to support adult safeguarding; and
  - c) Evaluate the success of a positive outcome being achieved for all stakeholders involved in adult safeguarding (i.e. service users, their carers, the Local Authority and its statutory and non-statutory partners).

**TERMS OF REFERENCE**

3. The terms of reference for the Scrutiny Panel's investigation were as follows:
  - a) To identify the various types and indicators of abuse within adult safeguarding.
  - b) To receive details pertaining to adult safeguarding activity in Middlesbrough, including requirements for staff training.
  - c) To examine the Local Authority's role and responsibilities in respect of adult safeguarding, including contracts and commissioning processes.
  - d) To clarify the purpose and remit of the Teeswide Safeguarding Adults Board.
  - e) To determine the policies, practices and procedures that aim to increase public awareness and improve outcomes for people experiencing abuse and neglect.
  - f) To identify the measures and strategies that could be implemented to further enhance/develop adult safeguarding practices.

## BACKGROUND INFORMATION

### 4. Definition of 'Safeguarding'

The Centre for Public Scrutiny and the Improvement and Development Agency (IDeA) (2010) define 'Safeguarding' as follows:

*“‘Safeguarding’ is a range of activity aimed at upholding an adult’s fundamental right to be safe at the same time as respecting people’s rights to make choices...(it) involves empowerment, protection and justice. In practice the term ‘safeguarding’ is used to mean both specialist services where harm or abuse has, or is suspected to have, occurred and other activity designed to promote the wellbeing and safeguard the rights of adults. In its broadest sense it is everybody’s business: the public, volunteers and professionals. It covers a wide range of activities and actions taken by a large number of people, not least by people in the community. By ‘safeguarding’ we mean at least four kinds of activity: Prevention and awareness-raising; Inclusion; Personalised management of benefits and risks; and Specialist safeguarding services.”*

### 5. Definition of a 'Vulnerable Adult'

The Department of Health (2000) defines a 'Vulnerable Adult' as:

*“A person aged 18 or over who is or may be in need of community care services by reason of mental or other disability, age or illness, and who is or may be unable to take care of him or herself, or unable to protect him or herself, against significant harm or exploitation”.*

6. The Care Act 2014 provides the statutory basis for the safeguarding of adults at risk of abuse or neglect. Following its enactment, Local Authority services have worked to ensure that services are personalised and preventative in supporting the fundamental principle of wellbeing, for both service users and their carers.
7. The Care Act 2014 has placed a number of new duties upon Local Authorities, including the requirement to raise and undertake timely Section 42 enquiries (i.e. formal safeguarding procedures), as required. This work includes leading on local multi-agency adult safeguarding systems and ensuring that Adults Safeguarding Boards are in place.
8. In order to ascertain the Local Authority's current position regarding the safeguarding of vulnerable adults, the Social Care and Adult Services Scrutiny Panel held meetings on 17 October 2016, 16 November 2016, 12 December 2016, 16 January 2017 and 13 February 2017.
9. In recognition of the wide variety of service user groups involved in adult safeguarding, including, but not limited to, elderly persons receiving care in either their own homes or within care homes, homeless persons, and victims of domestic violence and abuse, the Panel was provided with information/evidence from the following representatives:
  - A Baxter - Independent Chair, Teeswide Safeguarding Adults Board.
  - R Beard - Community Safety Partnership Manager, Middlesbrough Council.
  - L Grabham - Head of Commissioning and Strategic Procurement, Middlesbrough Council.
  - C Holt - Head of Specialist and Lifelong Services, Middlesbrough Council.
  - G Parker - Contracts Team Leader, Middlesbrough Council.
  - E Scollay - Director of Adult Social Services, Middlesbrough Council.
  - M Sharman - Safeguarding Adults Team Manager, Middlesbrough Council.

## SETTING THE SCENE

10. Over the course of the Scrutiny investigation, a number of recurring key themes/issues emerged. These were as follows:

- Mental Capacity;
- Teeswide Safeguarding Adults Board (TSAB);
- Domestic Violence and Abuse;
- Section 42 Enquiries (i.e. Formal Safeguarding Procedures);
- Publicity and Awareness-raising Campaign Work;
- Care Quality Commission (CQC);
- Partnership and Independent Working in the Support and Development of Adult Safeguarding Activities and Practices;
- Contracts and Commissioning; and
- Human Resources.

## **MENTAL CAPACITY**

11. At the Panel meetings held on 12 December 2016 and 16 January 2017, Members recognised that mental capacity is a particularly significant issue within adult safeguarding.
12. The Panel acknowledges that work is actively being undertaken in terms of the assessment and referral of individuals to appropriate services, but appreciates that this is a particularly complex area. In relation to current legislation, for example, the Panel was informed that individuals demonstrating *compos mentis* cannot be compelled to work with Social Services. In terms of capacity assessments, the Panel notes that, in order for potential clients to be identified from varying pathways, these are undertaken in a range of different localities, ranging from the custodial to the medical. The Panel appreciates that if an individual is deemed to hold full mental capacity, enforceable further action on the part of the Local Authority is limited.
13. The Panel understands that there are two vulnerable client groups in existence, i.e. those that do not hold mental capacity (and can therefore be immediately assessed by professionals and subsequently referred to appropriate services, as applicable), and those that do hold full mental capacity to make their own decisions, but are deemed to exercise poor judgement. The Panel was informed at the 12 December 2016 meeting that this latter group may be referred to as 'Complex Clients'. The Panel feels that such complex cases, where vulnerability is high, but engagement with services is low, are of particular concern.
14. Complex Clients Case Conference Meetings are Multi-Disciplinary Team (MDT) meetings that are carried out to support complex clients. The Panel welcomes this partnership working approach in supporting the individuals concerned, of which there are currently 15-16 cases on the Local Authority's agenda.
15. The Panel heard that referrals from professionals, such as Community Nurses and Social Workers, are often the reason for contact being established between vulnerable individuals and Local Authority services. The Panel recognises the work being undertaken by all staff involved in working together to support affected individuals in addressing their individual needs.
16. Regarding safeguarding concerns and subsequent Section 42 Enquiries, where applicable, the Panel notes that in instances where individuals hold sufficient mental capacity to make their own decisions, service areas are doing their utmost to ensure that those individuals are actively involved in the progression of their cases and kept regularly updated.

## **TEESWIDE SAFEGUARDING ADULTS BOARD (TSAB)**

17. The Independent Chair of the TSAB attended the meeting on 16 January 2017 to discuss the work of the board.
18. The Panel was informed that, under Section 43 of the Care Act 2014, Local Authorities are required to establish a Safeguarding Adults Board. Chaired by an Independent Person, the

TSAB's role is to provide a statutory basis for the setting of the strategic direction for safeguarding, with responsibility for the promotion of safety and protection of vulnerable adults residing in the Boroughs of Hartlepool, Middlesbrough, Redcar & Cleveland and Stockton-on-Tees. As such, Membership consists of the four respective Local Authorities, together with a range of statutory (i.e. Hartlepool and Stockton-on-Tees CCG, South Tees CCG and Cleveland Police) and non-statutory partners (i.e. Tees, Esk and Wear Valleys NHS Foundation Trust, South Tees Hospitals NHS Foundation Trust, North Tees and Hartlepool NHS Foundation Trust, Public Health, National Probation Service: Cleveland, Care Quality Commission, Healthwatch Hartlepool, Healthwatch Tees and Cleveland Fire Brigade).

19. The TSAB's work is supported by five Sub-Groups: Communication and Engagement; Learning, Training and Development; Performance, Audit and Quality; Policies, Procedures and Practice; and Safeguarding Adults Review. A Central Business Unit operates across the TSAB in providing support to the four Local Authorities.
20. The Panel received information in respect of the advantages that the TSAB partnership structure is able to offer, which include policy, knowledge and data sharing, the pooling of resources, and the availability of free training for care sector employees.
21. The Panel heard that in a year of difficult challenge (2015/2016), the TSAB has operated effectively, receiving positive feedback from service users. Such challenges had included:
  - Reduced nursing home availability, particularly in relation to staff recruitment and retention, and the wider externalised pressures affecting the performance of the marketplace (economic performance and reduced profit margins, for example);
  - An increase in Deprivation of Liberty Safeguards (DoLS);
  - An increase in domestic abuse as a category of abuse for adults; and
  - An increase in pressure around needs, which was being experienced across all of the TSAB's statutory partners.
22. Building upon this, the Panel feels that there are a number of external pressures currently facing Local Authority services, including:
  - Continued funding pressures and budget reductions on services;
  - An increase in demand for services due to an ageing population, and the reduction in resources available;
  - Transience of the population in relation to job security, the rise of temporary and zero-hour contract work, and the potential for consequential safeguarding concerns in relation to family disruption, social problems, instability of income and sub-standard landlord accommodation (where apparent); and
  - The implementation of the Council Tax Levy/Social Care Precept and the potential impact that this may have, for example: raised expectations of the Local Authority, and increased levels of deprivation between areas (particularly in respect of Middlesbrough's demographic profile).
23. The Panel was informed that the TSAB holds annual conferences. In 2015/2016, the focus of the conference had been on the topic of self-neglect, a new category that had been introduced under the Care Act 2014. In relation to the information presented at the 12 December 2016 meeting, the Panel was able to consider the issue of self-neglect in reference to the 'Complex Clients' grouping. The TSAB's conference this year will focus on the topic of domestic abuse, which the Panel feels to be particularly conducive as harm and abuse to vulnerable individuals has frequently been found to relate to this (The Centre for Public Scrutiny and IDeA, 2010).

## **DOMESTIC VIOLENCE AND ABUSE**

24. At its meeting on 12 December 2016, the Panel received information regarding safeguarding in the context of Community Safety. It was indicated that vulnerability and safeguarding

interlinks with the area of domestic violence and abuse, which further reflects the previous research on this topic (see paragraph 23).

25. The Panel notes that the Local Authority has undertaken campaign/publicity work in relation to Domestic Abuse Awareness Week, and promoted the National White Ribbon Campaign. The Authority has worked with partner organisations and utilised social media in making domestic abuse, like safeguarding, 'everybody's business'. Middlesbrough is currently a 'White Ribbon Town', with accreditation being received for a three-year period. The Panel acknowledges the work that has been undertaken in achieving this accolade and congratulates all those involved.
26. The Panel heard that the Authority both has various strategies in safeguarding vulnerable adults, within the context of domestic violence and abuse, including the Violence Against Women and Girls (VAWG) Strategy. Key training specifications have been established to support the vital partnership and referral processes and pathways that exist between specialist service and support providers; the Panel views the Authority's Preventing Domestic Abuse Strategy as being fundamental in supporting this work.
27. The Panel feels that, as a community leader, the Authority is committed to supporting the victims of domestic abuse. As identified at the 12 December 2016 meeting, for example, support is available to men, women and children. The Panel appreciates that the Local Authority has a duty to safeguard adults, which includes the provision of appropriate support to both new and pre-existing service users. Part of this responsibility includes the investigation of instances where support may not have been reflective of the required standard and, consequently, safeguarding concerns have been raised.

#### **SECTION 42 ENQUIRIES (I.E. FORMAL SAFEGUARDING PROCEDURES)**

28. At the meeting held on 17 October 2016, the Panel heard that, under the Care Act 2014, the Local Authority has a duty to make Enquiries, or require other agencies to make Enquiries, in respect of safeguarding concerns. The Local Authority will not undertake all Enquiries, for example: any criminal-based concerns will be referred to the Police for investigation; thus, the significance of partnership working is evident here. The Panel notes that the Local Authority will investigate any safeguarding concerns arising from both commissioned and private care home facilities.
29. The Panel was appraised of the number of safeguarding concerns that had been reported to the Local Authority, which had subsequently been progressed to Enquiry status. There had been an increase between 2011/2012 (832 concerns: 299 Enquiries) and 2012/2013 (1083 concerns: 307 Enquiries) as a result of awareness-raising campaign work. By 2015/2016 the figures had slowed down, with 1186 concerns: 369 Enquiries being received in 2015/2016. Following discussion at the 16 January 2017 meeting, the Panel recognises that, over the last twelve months, a similar trend has occurred across the other TSAB Local Authority Members.
30. To enable the Local Authority to fulfil its duty, the Panel feels that communication between the Authority and its partners needs to be both open and consistent. The Panel acknowledges that the challenge for the Authority is to ensure that all stakeholders are aware of appropriate information sources, the services that are available, and the key contacts involved. In considering this, the Panel views the undertaking of awareness-raising campaign work as being paramount in achieving success.

#### **PUBLICITY AND AWARENESS-RAISING CAMPAIGN WORK**

31. At the meetings held on 12 December 2016 and 16 January 2017, the Panel was informed of the various campaign work that is being undertaken to raise awareness of safeguarding issues. Specific reference was made to work undertaken by the Local Authority in relation to domestic abuse (see paragraph 25), as well as by the wider TSAB and its partners.

32. The Panel heard that 2015/2016 had been a year of increased public engagement for the TSAB, the purpose of which had been to increase awareness and involvement in safeguarding issues (and subsequently highlight and expand the routes available to residents in accessing support services). Activities had included:
- Creation of a Tees website;
  - Radio campaign work;
  - Completion of a survey with 800 participants;
  - Operation of an information stall; and
  - Drop-in sessions in various localities.
33. It is important to ensure that the quality of the care being offered to service users continues to be monitored, and that people are able to express any concerns that they may have. The Panel understands the importance of making safeguarding 'everybody's business': one way of achieving this is to ensure that people are aware of the Authority's policies and procedures, and how to access appropriate service areas.
34. The Panel recognises all of the work being undertaken and fully supports this going forward.

### **CARE QUALITY COMMISSION (CQC)**

35. At the Panel meeting held on 16 November 2016, the Panel considered the role of the CQC in regulating both private and commissioned care homes within Middlesbrough. The details of the most recent inspections are shown on the CQC's website, as well as in the Authority's Care Home Brochure.
36. The Panel notes the process for dealing with safeguarding concerns arising from care homes, and the potential implications for both the respective care home and the Local Authority.
37. The Panel is aware of work that is currently taking place between the CQC, the Local Authority and operators of Belle Vue Care Home in relation to concerns that have been raised. The Panel understands that the Contracts and Commissioning team has fully supported the provider during this time. Belle Vue Care Home has been fully co-operative throughout the review process.
38. The Panel feels that the timeframe around the formulation and publication of reports following CQC inspections should be reduced, as it is vital that any areas of concern can be immediately addressed. The Panel is of the opinion that correspondence with the CQC is required in respect of this issue. The Panel's view is that shorter 'notification' or summary reports to advise the Authority of any potential issues following a preliminary inspection visit by the CQC would assist in this regard. In addition, the Panel would welcome the submission of copies of any such inspection reports to future Panel meetings, for information.
39. The Panel heard that the CQC is responsible for the closure of care homes. The Panel notes that three care homes have been closed in the TSAB area within the last year. At the 13 February 2017 meeting, the Panel was informed that The Gateway facility within Middlesbrough had closed within the last twelve months, and received details regarding the planned development for re-opening of the site as a neuro-rehabilitation centre. The other closures were outside of the Middlesbrough area.

### **PARTNERSHIP AND INDEPENDENT WORKING IN THE SUPPORT AND DEVELOPMENT OF ADULT SAFEGUARDING ACTIVITIES AND PRACTICES**

40. Throughout the Scrutiny Panel's review, the significance of both partnership and independent working has consistently been raised.
41. Regarding partnership working, there is a clear requirement for the Local Authority to engage in this in order to meet the overarching stipulations imposed by the Care Act 2014 (i.e. to

safeguard all vulnerable adults through the fulfilment of such duties as assuming responsibility for leading on local multi-agency adult safeguarding systems).

42. With regards to the TSAB, the Panel heard that collaborative working between the four member authorities provides opportunity for consistency to be established, and for resources and policies to be shared and maintained. In relation to comparative data, a Safeguarding Mapping Report has recently been created, which considers activity across a range of safeguarding topics between authorities (the number of safeguarding alerts raised from within care home and own home environments, for example). The data compares and benchmarks the number of safeguarding concerns per 10,000 of the population. Whilst comprehensive data analysis has been undertaken, the Panel acknowledges that further evaluation of the results is required in order to ascertain why the statistics vary across areas, and to ensure that the results can be successfully standardised. For example: In 2015/2016, the percentage of safeguarding concerns arising from care homes within Middlesbrough was 61%, which was significantly higher than the comparative TSAB (47%), North East (35%) and England (36%) statistics. Conversely, in the same period, the percentage of safeguarding concerns arising from own homes within Middlesbrough was significantly lower (13%) than the comparative TSAB (37%), North East (47%) and England (43%) statistics. The contents of the Safeguarding Mapping Report are to be discussed by the TSAB at their development day in March 2017, and will subsequently be forwarded in full to the Panel in due course.
43. The Panel considers that joint working between Scrutiny Panels (whether between Middlesbrough's own Scrutiny Panels or across Local Authorities) could be undertaken. This could lead to greater objectivity in that the opinions of laypersons can be taken into account, and that knowledge can be shared. The Panel was informed of a recent Scrutiny investigation undertaken by Stockton-on-Tees Borough Council in respect of Deprivation of Liberty Safeguards (DoLS), details of which had been submitted to the TSAB. The Panel feels that the outcomes of Middlesbrough's Scrutiny investigations could be forwarded to future meetings of the TSAB in order to continue to support this partnership working approach.
44. The Panel considered the role of Councillors in supporting their constituents, reporting concerns back to the Local Authority and ensuring that the views of often the most marginalised in society can be heard. The Panel heard that safeguarding is applicable to those aged 18 years plus, although it is predominantly focused on the elderly and frail, people with mental health problems, and people with physical and learning disabilities.
45. The Panel was informed of the varying networks and national associations that those involved with the TSAB have access to, including the Association of Directors of Adult Social Services (ADASS) and the North East Regional Safeguarding Adults Network. The Panel feels that the utilisation of these support networks allows for Local Authorities to share practice and develop guidance, it facilitates policy development, and assists in the identification of potential risks and future issues in undertaking preventative work. The Panel acknowledges the benefit that a partnership approach can bring, but also recognises the importance of sufficient time being taken to reflect on both the internal and external challenges facing services, such as those outlined in paragraph 22, in order that work can be planned accordingly.
46. At the 13 February 2017 meeting, the Panel heard that the Performance, Audit and Quality Sub-Group is currently chaired by Middlesbrough Council's Director of Adult Social Services. Part of the TSAB's role is to identify areas of good practice and to subsequently roll these out across the TSAB area. In contributing to this, the Sub-Group regularly scrutinises incoming safeguarding-related data from the Member Authorities, identifies both areas of concern and opportunity, and progresses these forward for potential inclusion in the TSAB's Business Plan. The Safeguarding Mapping Report is an example of how this strategy has further enhanced/developed adult safeguarding practices.
47. The Panel heard that, in respect of Children's and Adults Safeguarding Boards, there is potential for stronger links to be developed between them. It is possible that increased joint

working and re-structuring of the boards could be achieved via the TSAB framework, particularly in terms of improving the service for children transferring to adult services.

48. In relation to technological advancement, the Panel heard that a new cloud based multi-agency case management system, E-CINS, had recently been commissioned by the Home Office. The purpose of the system is to facilitate communications and information-sharing between partner organisations. At present, there are three organisations (i.e. the Local Authority, Police and Thirteen Group) utilising the system, which have found it to be useful in respect of supporting Anti-Social Behaviour situations. It is possible that additional organisations may join in the future, as it could potentially interconnect with other data systems. An information agreement has been signed by the TSAB Local Authorities; however, the future of the system is currently under discussion.
49. With regards to independent work undertaken by the Authority, at the meeting on 13 February 2017, the Panel was apprised of various projects that officers have been undertaking, including:
- Annual Quality Assurance Framework (QAF) tasks;
  - An internal audit review of the Authority's safeguarding processes;
  - An internal review of the handling of initial contact made with the Social Care/Adult Safeguarding department; and
  - Continuous staff training and development, comprising both face-to-face and online-based learning.
50. The Panel acknowledges the variety of work being undertaken and is fully supportive of this in promoting and progressing adult safeguarding practices.

## **CONTRACTS AND COMMISSIONING**

51. At the 16 November 2016 meeting, the Panel was apprised of the work undertaken by the Contracts and Commissioning team, which includes interaction with a wide range of internal and external partners, for example: statutory officials (e.g. NHS, CQC and Police), care home providers, homecare service providers, the TSAB and other Local Authorities. Regular contact is also undertaken with service users in order to ensure their continued involvement in the care process, particularly in terms of ascertaining their views around care provision.
52. The Panel heard that the work of the team is varied; activities are focused primarily upon Adult Social Care and Children's Social Care and are linked to the safeguarding agenda. The team undertakes proactive contract monitoring and investigates safeguarding concerns that arise from both commissioned and privately-operated care services. Having received information at the 16 November 2016 meeting, together with subsequent additional information at the 16 January 2017 meeting, the Panel feels that a robust contract monitoring system is in place, with sufficient attention being provided in relation to the majority of the varying contract values. 'Band D' contracts (i.e. those of less than £10,000 in value) are subject to some monitoring, but this should be kept under review.
53. The Panel was advised that, in relation to direct payments, those receiving care are classed as direct employers and, therefore, as there are no contracts in place, the Council does not have the authority to monitor these situations. This currently affects a cohort of circa. 900 individuals, who have taken the option of a direct payment in order to employ their own personal assistant. Although the Panel express concern around this, particularly in respect of reduced opportunity to identify any potential safeguarding issues, the reasoning for this is appreciated.
54. In respect of the commissioning of homecare services, at the 13 February 2017 meeting, the Panel heard that the Local Authority currently has contracts in place with four providers, which are due to expire in November 2017. Members heard that work is currently being undertaken to re-model the commissioned homecare services, with a view of moving away from more traditional service delivery to more modern and flexible provision. It is hoped that



the re-modelled services will result in more effective and efficient delivery by addressing such key concerns as lack of continuity between service users and care workers, and rigidity around appointment times and/or duration. The Panel welcomes this work, particularly as it may help to reduce potential safeguarding concerns by offering increased continuity and flexibility around care provision, whilst concurrently promoting relationship-building and reducing the associated feelings of loneliness and isolation.

55. Effective relationships operate between the providers and the Local Authority, particularly in relation to the broker system that the Authority currently operates. The service allows for providers to have direct access to officers, who are able to assist with such matters as enquiries, key holding and liaising with clients. This is a unique system that many other Local Authorities do not operate, which officers feel has heavily facilitated work between the Authority and its commissioned providers.
56. Regarding commissioned care homes, the Panel heard that the Local Authority pays a 'bed per week' rate to care home providers to cover staff costs and other overheads. The Panel acknowledges the work being undertaken by the Authority in relation to the grading system that is in place for reviewing commissioned care homes, and supports the view that the number of homes graded at the highest-level of '5' (shown within the Authority's Care Home Brochure), demonstrates that quality care can be provided at the rate currently paid by the Authority (£505.00 per week). The present 'bed per week' rates in relation to the complete grading system are as follows:

NUMBER OF STARS	RATING	WEEKLY RATE AMOUNT
1 Star *	Very Poor	£465.00
2 Star **	Poor	£475.00
3 Star ***	Good	£485.00
4 Star ****	Very Good	£495.00
5 Star *****	Excellent	£505.00

57. The Contracts and Commissioning service plays a fundamental role within the safeguarding of vulnerable adults. It is important to understand commissioning processes in relation to human resources (guidance around contracts of employment and whistleblowing policies, for example). Over the course of the Scrutiny investigation, matters pertaining to human resources have consistently been raised.

## HUMAN RESOURCES

58. As noted in paragraph 21, one of the key challenges that faced the care sector in 2015/2016, and continues to do so, revolves around the recruitment and retention of employees.
59. Regarding recruitment, the Panel heard at the 13 February 2017 meeting that there is currently a shortage of carers both regionally and nationally. Although Middlesbrough has fared well in that there have been very few instances of service requirements not being met, the Authority acknowledges that this is not sustainable in the long term, and is part of the reason why homecare service re-modelling and review of care worker pay is being undertaken.
60. The Panel is of the view that the prevailing culture around care work requires change; caring should be viewed as a highly valued and rewarding profession. At the 13 February 2017 meeting, it was explained to the Panel that a publicity and marketing campaign will be undertaken in line with the introduction of the revised service delivery model, which will aim

to address this. In recognition of the Health Sustainability and Transformation Plan, the Panel supports the view that increasing the value of domiciliary care is fundamental to the success of this, which is predicated on the fact that approximately 30% of hospital attendances are cases that could be supported at home. Domiciliary care is also fundamental when considering the increase in the ageing population, and the number of elderly persons requiring care.

61. The role of a carer extends beyond the completion of physical care tasks; loneliness and isolation can be experienced by elderly people and the Panel recognise that a domiciliary care worker may be the only person that some service users will encounter. In linking this to voluntary work opportunities and publicity and marketing campaign work, the Panel feels that activities could be undertaken to highlight the importance of the caring profession in tackling loneliness and isolation, and to potentially recruit volunteer workers to assist in this regard. The Panel received details in relation to Ageing Better Middlesbrough at the 13 February 2017 meeting, which highlighted the pertinence of volunteer work. The Panel hopes that any learning outcomes arising from this can be applied to the wider domiciliary care area in the future.
62. Regarding salaries, at the 16 November 2016 and the 13 February 2017 meetings, the Panel heard that the Local Authority currently commissions homecare services with four providers. A standard hourly rate, reflective of the National Living Wage (currently £7.20, increasing to £7.50 in April 2017, and to £9.00 by 2020), is paid to the respective employees of these commissioned providers, which may also cover the time taken to travel between appointments.
63. The Panel feels that further work should be undertaken in relation to travel time between appointments, particularly in order to ascertain the amount of time carers spend travelling and the impact this has on service users.
64. In terms of the hourly rates that private organisations and wider Local Authorities pay for homecare, the Panel notes that the average rate in the North East region is £12.60. This rate incorporates a range of financial outgoings, including staff salary, office overheads, utilities, CQC registration and Inspection costs, PPE and profit. Middlesbrough is one of the lowest-paying regionally, with the hourly rate for homecare currently at £12.32. Northumberland currently pays the highest, ranging up to £15.20 per hour for rural areas.
65. The Panel notes that, although the hourly rate for homecare is one of the lowest in the region at £12.32, Middlesbrough Council's commissioned providers pay their staff the National Living Wage. This same National Living Wage is being paid to staff working for providers commissioned to other Local Authorities, in instances where the hourly rate for homecare services is higher.
66. National data provided by the United Kingdom Homecare Association (UKHA, 2016) indicates that the average hourly rate paid for homecare in the North East is £12.60, making it the lowest-paying region. The highest-paying region is the South West, at £16.86 per hour. For comparative purposes, the UKHA has indicated a minimum price expectation of £16.70 per hour for homecare services.
67. The Panel acknowledges the fact that the Local Authority has recognised that it is one of the lowest-paying, and supports the proposed increase of homecare worker pay. The Panel understands that additional resource has been factored into the Authority's Medium Term Financial Plan in supporting staff payment increases from 2017/2018, which takes into account National Living Wage increases for all contracted services across the Authority, as well as the potential impact of demographic changes on the demand for Social Care.
68. With regards to staff employed within commissioned care homes, although the Authority is not made aware of the payment amounts that are made to individual staff, care home providers are contractually obliged to pay the National Living Wage.

69. The Panel heard that the cost to the Authority for funding the basic National Living Wage payment in 2016/2017, applicable only to the residential care market of Social Care, and subject to an annual increase, is £800,000.
70. The Panel raised concerns that, in relation to care home staff payments, anecdotal evidence suggests that staff are not receiving payment for handover time. The Panel supports the Authority's care home star rating assessment work, and suggests that this may be helpful in promoting a positive image of care workers and boosting staff morale.
71. With regards to staff retention, the Panel heard at the 16 January 2017 meeting that one particular issue facing the sector relates to fully-trained and experienced staff leaving the profession to take up employment in other areas, such as retail and customer service. The Panel feels that such a discontinuation in service could impact significantly upon service users' physical and mental health, and could, as a consequence of unfamiliarity between carer and client, potentially result in developing issues, including safeguarding or medical problems, failing to be recognised/addressed.
72. The Panel feels that because hourly pay rates are higher in some neighbouring Local Authorities, this could impact on Middlesbrough's staff retention rates, i.e. carers vacate to take up a position elsewhere, or instead leave the profession entirely. The Panel supports the rise in the care worker pay, particularly in order to retain good staff, although remains mindful of the financial challenges currently facing the Authority, particularly in respect of Social Care.
73. At the 13 February 2017 meeting, the Panel received details regarding the budget reductions in respect of Social Care. For 2016/2017, the reduction is £1.9m, and for 2017/2018, the figure is £4.4m. The Panel has concerns in relation to the increasing number of elderly persons requiring care services, the projected rise in required funding (i.e. increases in National Living Wage payments and the wider hourly rate payable to commissioned homecare providers), and the expectation of delivering this in a time of austerity. However, the Panel is assured that, despite these exceptional challenges, the savings can be made without the quality of care that the Authority currently provides being compromised.
74. With regards to staff training, the Panel heard that, at present, there are no minimum requirements for working in a care home; however, care homes are required to be registered with the CQC and employ a full-time, on-site, manager.
75. Regarding registration, in addition to care homes requiring CQC registration, the Panel notes that providers also have a duty to inform the Disclosure and Barring Service (DBS) of any staff that have been dismissed from their organisation. Further to paragraph 53, the Panel raised concerns that DBS checks/registration cannot be enforced in relation to those in receipt of Direct Payments, who are acting as employers to their personal assistants.
76. In relation to whistleblowing policies, the Panel heard that when any such reports are received, these are assessed/investigated by the appropriate personnel in an effective and efficient manner, with caution always being exercised to ensure that reports are genuine.
77. For further information in respect of the Scrutiny Panel's investigations and findings, please see the attached **Appendices 1-5** - Minutes of Panel meetings.

## CONCLUSIONS

78. The Scrutiny Panel reached the following conclusions in respect of its investigation:

### GENERAL

79. The remit of safeguarding vulnerable adults is extensive. In order to scrutinise the topic of safeguarding as effectively and efficiently as possible (e.g. to avoid duplication of effort and to shape future reviews), partnership working across the Local Authority's Scrutiny Panels, and/or between the Authority and its neighbouring Local Authorities, may prove valuable.

80. The Care Act 2014 has had significant implications for Local Authorities with regards to safeguarding vulnerable adults. The Care Act 2014 provides the statutory basis for the safeguarding of adults at risk of abuse or neglect. The Panel feels that the Authority has established appropriate infrastructures for meeting the stipulations of the Act.
81. Continued financial pressure and increases in demand for Social Care services are facing the Authority. Significant challenge lies ahead, but the Panel is assured that the Authority can meet the significant budget reductions required without compromising the quality of care currently being offered.
82. The Panel values the work being undertaken by all staff involved across the services, and their partners. The constant development work being carried out to continue to effectively safeguard vulnerable adults within Middlesbrough is crucial. The Panel acknowledges the variety of work being undertaken and is fully supportive of this in promoting and progressing adult safeguarding practices.

### **MENTAL CAPACITY**

83. Mental capacity is a particularly significant and complex issue within adult safeguarding, as those with complete mental capacity cannot be compelled to work with Social Services. The term 'Complex Cases' refers to individuals that demonstrate full mental capacity, but often make poor lifestyle choices that result in self-neglect and subsequent safeguarding concerns. The Panel feels that such cases, where vulnerability is high, but engagement with services is low, are of particular concern. However, it is acknowledged that the infrastructure is in place for supporting these service users with, for example, the Local Authority having primary involvement in Multi-Disciplinary Team (MDT) meetings with key partners.

### **TEESWIDE SAFEGUARDING ADULTS BOARD (TSAB)**

84. Despite operating in very challenging times, the TSAB has established a partnership approach to safeguarding and evidence suggests that it is running effectively. The on-going partnership work demonstrates the commitment by all of its Members in safeguarding vulnerable adults.

### **DOMESTIC VIOLENCE AND ABUSE**

85. As a community leader, the Local Authority is committed to supporting the victims of domestic violence and abuse, an area that safeguarding interlinks with. The Panel acknowledges the campaign/publicity work that is being undertaken, particularly in relation to the achievement of 'White Ribbon Town' status and recognises the key strategies that have been established to underpin work in this area. The Panel supports the work of both Middlesbrough Council and its partners within the voluntary sector.

### **SECTION 42 ENQUIRIES (I.E. FORMAL SAFEGUARDING PROCEDURES)**

86. The number of safeguarding concerns being progressed to Section 42 Enquiries has slowed down in recent years; a similar trend has been seen across the TSAB area. In order for the Authority to fulfil its duty under the Care Act 2014 (i.e. to make Enquiries where required), it is imperative that communication channels remain open and that work continues to ensure that all stakeholders are made aware of the Authority's policies and procedures in this regard. Safeguarding is part of Middlesbrough's core business and it is important that all services are being designed to meet the needs of the most vulnerable people within the community.

### **PUBLICITY AND AWARENESS-RAISING CAMPAIGN WORK**

87. The Panel understands the importance of making safeguarding 'everybody's business', which will require input from the public, volunteers and professionals to work effectively. The Panel recognises that publicity and marketing campaign work is being undertaken to raise

awareness of safeguarding issues, and this needs to continue. Further work is required to ensure that people are aware of the Authority's policies and procedures and how to access appropriate services.

88. The Panel feels that further work around the recruitment of volunteers is necessary to address the issues of loneliness and isolation. Work being undertaken by partner organisations, such as Ageing Better Middlesbrough, also assists in supporting older residents. The Panel recognises the importance of working with key housing partners, such as the Thirteen Group and other local providers, in looking at how they can support residents in addressing loneliness and isolation.

### **CARE QUALITY COMMISSION (CQC)**

89. The Panel is of the view that the Local Authority's communication with the CQC requires improvement. The current delays being experienced in relation to the receipt of reports following formal inspection is not conducive to good practice. The Panel feels that this can lead to a subsequent delay in responding to areas of concern. Shorter 'notification' or summary reports to advise the Authority of any potential issues following a preliminary inspection visit by the CQC would assist in this regard. Furthermore, the Panel would welcome the submission of copies of any such inspection reports to future Panel meetings, for information.

### **PARTNERSHIP AND INDEPENDENT WORKING IN THE SUPPORT AND DEVELOPMENT OF ADULT SAFEGUARDING ACTIVITIES AND PRACTICES**

90. The data in the Safeguarding Mapping Report, undertaken by the TSAB, shows that Middlesbrough is reporting more incidents in comparison to other Authorities in the TSAB area. However, the reasons for the higher levels in Middlesbrough are unclear at this time. The Panel supports the work being undertaken by the TSAB and wishes to see the outcomes of that in order to have a greater knowledge of the validity of the comparative data.
91. Evidence suggests that there is potential for development work to take place in respect of Children's and Adults Safeguarding Boards, particularly in relation to improving the transition process for individuals leaving children's services and entering adult services. It is possible that this could be achieved via the TSAB framework, i.e. enhanced joint-working and board re-structuring.
92. Technological advancements can offer support to safeguarding vulnerable adults, particularly in relation to the sharing of information/data. The Panel feels that there is potential for this to be utilised in the future.
93. The Panel supports the independent project work being undertaken by the Local Authority in making incremental progress in developing adult safeguarding services.

### **CONTRACTS AND COMMISSIONING**

94. A robust contract monitoring system is in place, with sufficient attention being provided in relation to the majority of the varying contract values. 'Band D' contracts are subject to less formal monitoring, but this should be kept under review.
95. The Panel has concerns around the lack of monitoring of direct payment clients, particularly in relation to DBS registration of personal assistants not being enforceable, and potential under-reporting of any safeguarding concerns. However, the Panel appreciates that, in these circumstances, involvement by the Local Authority is limited, as there is no contract in place between the Authority and those individuals receiving direct payments. Raising awareness of safeguarding would address these issues.
96. The Panel welcomes the impending work to re-model care services and the way that they are delivered, particularly as it may help to reduce potential safeguarding concerns by offering increased continuity and flexibility around care provision. In addition, this will

concurrently promote relationship-building and, therefore, potentially reduce the associated feelings of loneliness and isolation.

97. The Authority currently operates a star rating system in relation to the amount of money that commissioned care home providers receive. The Panel supports the view that the number of homes graded at the highest-level of '5' (shown within the Authority's Care Home Brochure) demonstrates that quality care can be provided at the rate being paid by the Authority (currently £505.00 per week). The Panel supports the Authority's care home star rating assessment work and suggests that this may be helpful in promoting a positive image of care workers and boosting staff morale.

## **HUMAN RESOURCES**

98. The Panel recognises that one of the key challenges facing the care sector relates to the recruitment and retention of employees. There is a regional and national shortage of care workers and significant turnover is being seen. Fully-trained and experienced staff are leaving the profession to take up employment in other areas, such as retail and customer service. Such a discontinuation in service could impact significantly upon service users' physical and mental health. The Scrutiny Panel would like to ascertain the turnover figures and identify the potential reasons for this.
99. The standard salary paid by commissioned homecare providers is reflective of the National Living Wage. This will increase from the current rate of £7.20 per hour to £7.50 in April 2017, and then further to £9.00 per hour by 2020. This wage increase has been factored into the Medium Term Financial Plan. The hourly rate may also cover the time taken for carers to travel between appointments. There is opportunity for further work to be undertaken in this regard, particularly in order to ascertain the amount of time carers spend travelling and the impact that this has on service users.
100. The average hourly rate paid for homecare services in the North East is £12.60. The Authority is currently one of the lowest paying at £12.32 per hour. The United Kingdom Homecare Association (UKHA) states that a minimum price of £16.70 should be expected. The Panel is of the view that the variable hourly pay rates being seen across the region may impact upon the Authority's staff retention rates, i.e. carers vacate to take up a position elsewhere, or instead leave the profession entirely.
101. The Panel is of the view that domiciliary care work should be highly valued as it is an essential profession. The marketing campaign work, which is planned to take place in parallel with the roll-out of the new care service delivery model in November 2017, should aim to change current attitudes to care work. However, the culture will only change if there are higher levels of pay and conditions for domiciliary care workers.

## **RECOMMENDATIONS**

102. As a result of the information received, and based on the conclusions above, the Social Care and Adult Services Scrutiny Panel's recommendations for consideration are as follows:
- i) That measures be put in place to improve partnership working between the Local Authority's Scrutiny Panels, and/or between the Authority and its neighbouring Local Authorities, in order to scrutinise the topic of safeguarding more effectively and efficiently.
  - ii) That work be undertaken to ensure that safeguarding remains part of Middlesbrough's core business, through effective partnership working and by designing services to meet the needs of the most vulnerable people within the community. For example:
    - a) Improving awareness of safeguarding in all service areas by considering the topic at all Local Authority meetings, and referencing any matters raised within the associated minutes; and

- b) Consideration of safeguarding during the preparation of service area policies and procedures – e.g. in respect of report writing, identification of safeguarding as a key factor, alongside such other matters as Ward, Equality Impact and Financial Assessments.
- iii) That the Panel receives further information following the outcomes of the TSAB's Safeguarding Mapping Report work, in order to achieve a greater understanding of the comparative data and its validity. In addition, that the reporting systems are streamlined to ensure consistency of data across the four Local Authorities.
- iv) That the TSAB framework develops in order to improve the transition process for children.
- v) That the Panel receives on-going updates in respect of the work and development of the TSAB; matters of interest to be identified by the Panel and correspondence undertaken accordingly with the TSAB representatives.
- vi) That publicity and marketing campaign work continues to be undertaken in conjunction with Marketing and Communications, and partners, via such communication methods as Love Middlesbrough Magazine, the Local Authority's website and intranet site (and those of its partners), advertisements in public buildings such as community hubs and libraries, and radio campaigns, as appropriate, in order to:
  - a) Deliver the message that safeguarding is 'everybody's business';
  - b) Encourage volunteering to address the issues of loneliness and isolation;
  - c) Demonstrate that the professional caring role is highly valued and essential, and significant in terms of addressing loneliness and isolation; and
  - d) Facilitate exploration of opportunities for service areas in raising the profile of carers, and to reward both members of staff and the general public for undertaking exceptional care-related work.
- vii) That the CQC be requested to consider whether it can:
  - a) Shorten the timeframe for the formulation and publication of reports following formal inspections; and
  - b) Notify the Local Authority of any potential issues following a preliminary inspection via the provision of shorter 'notification' or summary reports.
- viii) That the Panel receives copies of any CQC formal inspection reports that have raised concerns, for information.
- ix) That formal monitoring of 'Band D' contracts be kept under review.
- x) That work be undertaken to ascertain the amount of time carers spend travelling between appointments and the impact of this on service users, with findings to be reported back to the Panel.
- xi) That data be collected and analysed to identify the levels of staff turnover, for those employed by the Local Authority and commissioned service providers, and the reasons for this.

## ACKNOWLEDGEMENTS

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- A Baxter - Independent Chair, Teeswide Safeguarding Adults Board.
  - R Beard - Community Safety Partnership Manager, Middlesbrough Council.

- L Grabham - Head of Commissioning and Strategic Procurement, Middlesbrough Council.
- C Holt - Head of Specialist and Lifelong Services, Middlesbrough Council.
- G Parker - Contracts Team Leader, Middlesbrough Council.
- E Scollay - Director of Adult Social Services, Middlesbrough Council.
- M Sharman - Safeguarding Adults Team Manager, Middlesbrough Council.

## ACRONYMS

104. A-Z listing of acronyms used in the report:

- ADASS – Association of Directors of Adult Social Services
- CCG – Clinical Commissioning Group
- CQC – Care Quality Commission
- DBS – Disclosure and Barring Service
- DoLS – Deprivation of Liberty Safeguards
- IDeA – Improvement and Development Agency
- MDT – Multi-Disciplinary Team
- MTFP – Medium Term Financial Plan
- NHS – National Health Service
- PPE – Personal Protective Equipment
- QAF – Quality Assurance Framework
- TSAB – Teeswide Safeguarding Adults Board
- UKHA – United Kingdom Homecare Association
- VAWG – Violence Against Women and Girls

## BACKGROUND PAPERS

105. The following sources were consulted or referred to in preparing this report:

- Reports to, and Minutes of, the Social Care and Adult Services Scrutiny Panel meetings held on 17 October 2016, 16 November 2016, 12 December 2016, 16 January 2017 and 13 February 2017.
- Department of Health, 2000, 2.3, '*No Secrets: Guidance on Developing and Implementing Multi-Agency Policies and Procedures to Protect Vulnerable Adults from Abuse*', UK.
- Legislation.gov.uk, 2016/2017, '*Care Act 2014*', <http://www.legislation.gov.uk/ukpga/2014/23/contents/enacted> - accessed various dates.
- Middlesbrough Council, 2016, '*Care Homes Brochure for Older People*' (1<sup>st</sup> January 2016 – 1<sup>st</sup> October 2016), UK.
- Teeswide Safeguarding Adults Board, 2016, '*Bulletin: Edition Seven*', UK.
- Teeswide Safeguarding Adults Board, 2016, '*Strategic Business Plan 2016-17*', UK.
- The Centre for Public Scrutiny and Improvement and Development Agency (IDeA), 2010, '*Adult Safeguarding Scrutiny Guide*', UK.
- United Kingdom Homecare Association (UKHA), 2016, '*The Homecare Deficit Report*', UK.

## COUNCILLOR JULIE MCGEE CHAIR OF SOCIAL CARE AND ADULT SERVICES SCRUTINY PANEL – 2016/2017

### MEMBERSHIP

The Membership of the Scrutiny Panel for 2016/2017 is as follows:

Councillors J McGee (Chair), D Branson (Vice-Chair), D Coupe, E Dryden, J Goodchild, T Higgins, P Purvis, J Walker and M Walters.



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