ADSS Position Statement
Safeguarding Adults
Background

Directors of Adult Social Services within the ADSS believe that it is essential to provide a current position statement surrounding Safeguarding Adults. This reflects a number of issues, which are currently being explored by the Department of Health (DoH), Commission for Social Care Inspection (CSCI), and partner organisations. They include:

• Current proposed legislation, in particular, the Care of Older and Incapacitated People Bill (Human Rights) and the Safeguarding Vulnerable Groups Bill.
• Emerging debate about whether additional legislation is required to build proposed and existing legislation and expand upon the DoH guidelines, outlined in “No Secrets – Guidance on developing and implementing multi-agency policy and procedures to protect vulnerable adults from abuse” which was published in 2000.
• The White Paper “Our Health, Our Care, Our Say” and the subsequent guidelines issued to Directors of Adult Social Services in May 2006.
• Progress on implementation of the ADSS and partner publication of “Safeguarding Adults” good practice guidance published in October 2005.
• Recommendations from recent and emerging research commissioned by the DoH and a range of Public Inquiries.
• CSCI proposals to publish a protocol on Safeguarding Adults procedures.
• The impact of POVA (Protection of Vulnerable Adults list) and Bichard recommendations for an Independent Barring Board.
• Dignity In Care Campaign.
• Proposals for performance outcomes and indicators.
• Local Area Agreement and the opportunities to integrate safeguarding adults into the neighbourhood agendas.

The ADSS wish to identify 6 key issues and their position in each area:

Overview Position Statement
The ADSS wish to promote individual and community well-being, tackle inequalities, improve access to social care and the responsiveness of services to individual needs and community priorities. There should be a clear organisational focus on safeguarding adults in vulnerable positions and one where there are clear protocols in place in each local authority area for dealing with adults identified as being at risk of abuse.

It is essential that every Authority has a Safeguarding Adults Partnership and that partner organisations understand their roles and responsibilities. We would expect this Partnership to comprise senior managers from across the range of statutory, voluntary and community and independent provider agencies across that local authority.

ADSS believes that appropriate training should be offered to all staff and that all the requirements of POVA are implemented. Such training should be delivered and therefore funded on a multi-agency basis.

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ADSS would like to continue and promote the implementation of “Safeguarding Adults - A National Framework of Standards for good practice and outcomes in adult protection work” publicised by key partners in October 2005.

1. Legislation
The ADSS recognises that there have been significant changes contained in a range of recent legislation that support work to protect individuals who are being abused or neglected – for example the crime of “familiar homicide” (Domestic Violence, Crime and Victims Act 2004), sections 34-44 of the Sexual Offences Act 2003 and the crime of ill treatment or neglect of a mentally incapacitated adult (Mental Capacity Act 2005). In addition new legislation to protect vulnerable people is currently being processed through Parliament and the ADSS is supportive of the approach in general.

However, recent research published by Action on Elder Abuse entitled Adult Protection Data Monitoring recommended that specific legislation in relation to vulnerable adults should be placed before Parliament. If such legislation is deemed appropriate we need to consider first:

a) why existing adult specific legislation is not working effectively;
b) the impact of guidelines to Directors of Adult Social Services published in May 2006;
c) what can be learnt from the outcomes of children’s legislation;
d) research from other countries;

If legislation is necessary, the following would be essential:

• A duty to Act or investigate;
• A duty to share information between the statutory agencies and Regulators as already exists in children protection work.
• A duty to co-operate (as already exists in children protection work).
• Clarification of the duties and powers of other Local Authorities and Health Agencies across organisational and geographical boundaries
• Powers to enter domestic properties.
• Duties of regulatory bodies to work in partnership with local authorities in identifying and responding to instances of potential abuse and neglect, including institutional abuse and neglect.

2. Prevention
Whilst legislation aimed at protecting those who are being abused is important prevention is crucial. We believe this work can be developed through the functions of the DASS, working in partnership with crime and reduction partnerships, health and housing trusts as well as independent and voluntary sector providers. Sufficient resources must be made available for the provision of services to those facing low or moderate risks to their independence and the inclusion within those services of measures that prevent abuse.

3. Performance Indicators
If performance indicators are to be introduced by CSCI they need to focus upon outcomes. In addition, however, the performance assessment should recognise the essential components that partnerships play in Safeguarding Adults work and the impact that factors outside of a Local Authority’s power may have on the outcomes. In addition consideration should be given to adult protection indicators also being given to other statutory agencies such as the NHS and Police.

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Research has highlighted some of the pressures upon Social Services Departments to deliver adequate and appropriate data on Safeguarding issues. If performance indicators are introduced then they should be introduced within an agreed timeframe where all Local Authorities and IT providers have an opportunity to develop their systems within a realistic timetable.

4. Policies and Procedures
A range of organisations have suggested that there should be a review of the “No Secrets” 2000 guidelines, whilst this may be beneficial, it must take into account the ADSS Safeguarding good practice guidelines and must also take account of the lessons learnt within children’s services. Partners need to ensure that new initiatives are safe, for example, that service users managing direct payments and individualised budgets have access to adequate safeguards. We believe that any new safeguarding policies and procedures need to consider the implications of such schemes. In particular, there should be a cross Inspectorate national review of the effectiveness of existing adult protection work. The focus and format could mirror the two existing cross Inspectorate reviews in the area of child protection: strength of partnership working; ownership of multi-agency policies and procedures across all relevant agencies, funding, training and effectiveness of existing practice.

5. Resources
The ADSS believes that specific dedicated resources are required if additional responsibilities or new legislation is introduced. At present, there is detailed evidence available from individual local authorities to the effect that funding for adult protection training falls to the local authority. It is also apparent that existing costs associated with Adult Protection Partnerships are borne by the local authority.

6. Workforce Issues
The ADSS recognises the challenges faced by changing demographics and expectations from individuals in relation to social and health care services. The sector employs a large and diverse workforce who will have a range of training needs in order to fulfill their roles in relation to preventing abuse and safeguarding those at risk. Therefore, additional research needs to be undertaken to identify the training needs of our future workforce. The responsibility for accessing appropriate training lies with employers in all relevant agencies - but there are great benefits to be had from partners working together to provide joint training on this subject through the Safeguarding Partnerships.

7. Serious Case Review Guidance
The ADSS recognises the importance of robust guidance for Serious Case Reviews and attached is agreed guidance on developing local protocols.