Learning From Practice:
27\textsuperscript{th} January 2014
Welcome

• A multi-agency forum to develop best practice in safeguarding adults

• Local and national learning perspectives

• Reflection and mutual learning
Aims & Objectives

• Opportunity to reflect on practice and discuss with colleagues
• Identify and share learning
• Consider how to incorporate learning into future practice
• Share developments in safeguarding, local and nationally
Outline of the day

- Safeguarding Adults Reviews – a new approach
- A Leeds Safeguarding Adults Review
- Hate Crime
- Forced Marriage
- Reflection on a National Safeguarding Case
- West Yorkshire Trading Standards Safer Project
Learning from Practice in Leeds

• Serious Case Reviews and Learning the Lesson Reviews

• Need to ensure all learning is valid, regardless of methodology

• Wish to develop a policy and toolkit based on local and national learning about the process

• Language of the Care Bill – ‘Safeguarding Adults Review’
Safeguarding Adults Review Policy and Toolkit

• Approved by LSAB in December 2013

• Nine month pilot

• Seeking to ensure synergy with Domestic Homicide Reviews (SLE) and Children’s Case Reviews (LSCB)

• Governance and principles
Safeguarding Adults Review Criteria

**Actions or omissions** in a **number of agencies** involved in the provision of care, support or safeguarding of an adult, or group of adults, at risk of abuse or neglect **have caused or are implicated** in the death or serious harm of that individual or group of individuals.

**Or**
An adult or group of adults at risk die or experience serious harm and there are concerns about how agencies have **worked together** to **prevent, identify, address or minimise** that harm and there are concerns about how this may **place other adults at risk of serious harm**;

**And**
There are **clearly identified areas of learning and practice improvement or service development** that have the **potential to significantly improve** the way in which adults at risk of abuse and neglect are safeguarded in the future.
Safeguarding Adults Reviews

• Clear referral process

• Approval by SAR Sub-group

• Explicit governance arrangements

• Learning and embedding the learning
Safeguarding Adults Review – Ms R

- Overview of case
- Discuss and reflect – key issues?
- Learning that can be applied to your team / service?
Safeguarding Adults Review – Ms R – Review Findings

- Focus on provider
- Risk assessment and management
- Assumptions
- Need for statutory assessments – Community Care Act
- Medications management
- Partnership working
- History and context
- Understanding domestic violence impact
Themes from Safeguarding Adults Reviews

• Four Serious Case Reviews
• Six Learning Lessons Reviews
• Broad, high level lessons
• Six Safeguarding Principles:
  – Empowerment
  – Protection
  – Prevention
  – Proportionality
  – Partnerships
  – Accountability
Empowerment

• All four SCRs and each LLR identified a failure to consult with or communicate with the Adult at Risk and where relevant, their families

• Person / Organisation Alleged to Have Caused Harm was actively involved in just three cases

• No evidence of asking what outcomes individuals sought

• Significant subjective judgments, skewing the approach to the case and resulting in significant harm
Protection

• Missed opportunities in three of the four SCRs
• All LLRs
• Each review illustrated poor or non-existent risk assessment and management
Prevention

• Three reviews (two SCRs, one LLR) identified decisions made not make key referrals for specialist preventative services due to assumptions about responses

• Absence of systems in place to identify risk & harm in five reviews (three SCRs, two LLRs)
Proportionality

- Less identifiable – only one case was considered within safeguarding procedures
- Link with risk and harm; evidence of too light a touch
Partnerships

• All reviews; ‘silo’ working, communication failures
• Lack of joined up approach in all cases
• Three cases involving Adults at Risk with drug and alcohol dependency show third sector agencies struggling in isolation from statutory agencies
• Need to link risk, harm and the requirements of Mental Capacity Act
Accountability

• Procedures, including safeguarding, not followed, or not followed correctly in all reviews
• Requirements of the Mental Capacity Act not adhered to
• Poor recording – each SCR
• Mutual professional challenge between agencies absent
Host and Placing Authorities

- Strategy
- Investigation
- After Completion of Investigation
- Case Conference
- Protection Plan and Review

- Communication – No surprises!
West Sussex Judgement: Intro

Davis v West Sussex Council (2012)

Alleged abuse within a care home 2010, that resulted in the local authority being taken to Judicial Review

The High Court advised:
“its role was not to determine whether abuse had occurred, but whether principles of public law such as legitimate expectation and procedure fairness had been met”. 
West Sussex Judgement: Intro

“Whilst acting in good faith, having in mind the best interests of those whom they are engaged to protect…”

…the High Court found that a fair process had not been administered and quashed the decisions of the Case Conference Meeting.

The learning has national implications for how safeguarding adults.
West Sussex: Principle objections

- They were not given adequate notice of the allegations made against them
- They were not shown the evidence against them
- The case conference was not shown relevant evidence generated by the investigation
- They were not given opportunity to produce evidence to the case conference (i.e. no chance to respond)
Principles of fairness:

- Informed of the nature and content of the allegation
- Informed in a timely manner
- Know there is safeguarding investigation
- Chance to respond to the allegation within the safeguarding investigation
- Chance to respond to the investigation report
- Know there is a case conference (Does this mean a right to attend a CC Meeting?)
- Know relevant decisions made i.e. abuse substantiated
Avoiding Bias

• Investigations will need to be sufficiently thorough to ensure a balanced perspective

• Important to act impartially and objectively (and be seen to be acting…)

• Important not to prejudge the outcome (or indicate that you have…)

Contesting Safeguarding Decisions Procedure