

Safeguarding and Deprivation of Liberty Safeguards (DoLS) Performance report 2018- 19

Safeguarding National context

The Social Services and Well-being (Wales) Act (SSWBA) 2014 introduced a strengthened, robust and effective partnership approach to adult safeguarding. One of the most important principles of safeguarding is that it is everyone's responsibility. Each professional and organisation must do everything they can, to ensure that children and adults at risk are protected from abuse.

The National Independent Safeguarding Board was established under the SSWBA and one of its primary functions is to identify and benchmark the areas of practice which require improvement. The National Independent Safeguarding Board is soon to commence its second, 4 year term with a number of new board member appointments.

Safeguarding Regional context

The SSWBA placed Adult Safeguarding on a statutory footing and ensured the establishment of regional safeguarding arrangements. These arrangements are now firmly embedded in the Mid and West Wales Regional Safeguarding Board which is an amalgamation of the former Local Safeguarding Children Boards in Carmarthenshire, Ceredigion, Pembrokeshire and Powys. This well managed, multi-agency collaborative board has achieved a great deal through its successful joint working arrangements. This includes the development of a regional threshold guidance document for children and adults as well as a multi-agency Information sharing protocol. For more information please see the latest annual report:

<http://cysur.wales/home>

Carmarthenshire County Council continues to make a significant contribution to the work of the Regional Safeguarding Adults Board and takes a lead role on a number of key improvement activities. Working collaboratively and consistently across a region which comprises of four Local Authorities, two Local Health Boards and one large Police Service continues to be challenging however, the advantages of doing so are clearly evident in the board's achievements to date.

The national and regional arrangements continue to support and strengthen Carmarthenshire's ongoing local commitment to developing a culture that does not tolerate abuse or neglect. This includes embedding an "everybody's business" approach to keeping people safe.

Safeguarding local context

The Carmarthenshire Local Safeguarding Operational Group further evidences the continued commitment of all local agencies to work together to improve safeguarding arrangements. The Carmarthenshire Corporate Safeguarding Group also demonstrates how local authority departments and teams are working together to effectively safeguard our citizens, staff and visitors at a local level.

During the past year the Carmarthenshire Safeguarding Team, with support from internal and external partners, has routinely analysed and improved its safeguarding processes and re-shaped practice. This has been done, not only as a natural process of continuous improvement but also in response to emerging statutory requirements. These changes have enabled us to maintain robust and effective safeguarding arrangements.

In the absence of updated national policies and procedures, which are currently being developed, Carmarthenshire County Council has drafted its own interim arrangements. These arrangements, which promote a everybody's business approach to safeguarding are currently being introduced locally and will subsequently be considered for adoption regionally. (Appendix 1)

Person centred safeguarding

The emphasis in adult safeguarding has shifted significantly with the introduction of the Social Service and Well – Being Act. The views, wishes and desired outcomes of the person at risk are fundamental to any safeguarding intervention. Seeking these views is the starting point for any enquiry. The emphasis for safeguarding is now far less on the alleged perpetrator and investigation and more on seeking solutions and achieving the desired outcomes for the individual adult at risk.

The safeguarding team, together with support from other professionals take a proactive role in speaking directly with and visiting the adult at risk in order to gain a clear understanding of the situation from their perspective. Enquiries are sometimes delegated to the most appropriate professional or agency to undertake this role on behalf of the local authority.

The Safeguarding Team

The safeguarding team comprises of five senior safeguarding officers, four of whom are fluent welsh speakers. There is an operational team manager post for Safeguarding and DoLS which has been vacant, however shortlisting has now taken place and interviews scheduled for the end of June 2019. During the past twelve months a great deal of time and effort has been placed on developing the right staff structure to meet the demands of the safeguarding and DoLS service. The team also have a senior manager in post with strategic, regional and Channel responsibilities.

The team work closely with all partner agencies and fulfil the local authority's statutory responsibility for safeguarding enquiries. This ensures the most appropriate action is taken at the right time and by the right person in order to safeguard individuals. As previously described, this is done by establishing the wishes and views of the individual and working with them to ensure the best outcome is achieved. The safeguarding team are also responsible for managing concerns about the actions or behaviours of professionals who work with adults with care and support needs.

Team members regularly attend and contribute to the Carmarthenshire Multi Agency Risk Assessment Forum (MARAC) which considers the actions required for high risk domestic abuse victims. They also attend Human trafficking MARAC's and

appropriate Multi Agency Public Protection Arrangements (MAPPA) meetings in relation to individuals who pose a risk to the public.

The safeguarding team may, through the course of their work, identify and examine case practice and interventions where there may be multi-agency improvement opportunities and potential lessons to be learned. In response to such cases the team will facilitate a Multi-Agency Practice Forum (MAPF). Team members have been trained to ensure they achieve a constructive approach to identifying improvements and good practice without apportioning blame. Such cases will not have met the criteria for an Adult Practice Review.

The safeguarding team undertake regular training which is appropriate to their role. During 2018/19 this has included: handling individual cases, anti-slavery-human trafficking, domestic abuse, person centred interventions, MAPF, self-neglect and hoarding to name but a few. Four members of the safeguarding team are also trained as Best Interest Assessors for the purpose of Deprivation of Liberty Safeguards assessments.

Duty Officer Role

Having undertaken a pilot in 2017 the safeguarding team was restructured using existing resources and a dedicated duty/enquiry officer role created. This post is dedicated to screening and assessing safeguarding reports within one working day, taking any immediate action if necessary or proceeding to a s126 enquiry as prescribed in the Social Services and Well Being Act. The duty officer will then decide what other action, if any, is necessary to make the person as safe as possible.

Due to the expanding remit of this role, in March 2019 we dedicated two officers to carry out these duties. The officers work closely with partner agencies and Carmarthenshire's integrated multi-disciplinary team, all of whom are located within the Delta Well-being service in Llanelli.

Safeguarding Enquiry process

Undertaking enquiries is a fundamental part of the safeguarding process and key to identifying early solutions to abusive or neglectful situations. The Social Services and Well-being Act together with its associated guidance, Handling Individual Cases, sets out the expectations on Local Authorities as the responsible organisation.

Since January 2018, the safeguarding team has been changing its processes and team structure to effectively respond to safeguarding reports and undertake appropriate enquiries and actions. Since that time the team has continuously worked on developing a robust safeguarding enquiry process. This has been amended many times as improvement opportunities are identified ([Appendix 2](#)).

Enquiries are expected to be undertaken within 7 days however, it is important that they are not rushed. Responsibility for the enquiry can be delegated to another, more appropriate organisation however, the prescribed timescales still apply. Making these timescales clear to delegated organisations initially proved challenging,

prompting the introduction of the s126 enquiry form. This form is exchanged electronically between agencies ([Appendix 3](#)).

The local authority internal auditors have scrutinised this process and concluded that it provides the department with high assurance levels ([Appendix 4](#)). The Wales Audit Office were also complimentary of this process when they visited Carmarthenshire at the latter end of 2018. In response to the recommendations noted in the internal audit report, the team have introduced an audit tool which is now routinely used to assess decision making and actions at the enquiry stage, as well as ensuring compliance with process and legislation ([Appendix 5](#)).

These audits are undertaken in a variety of ways including, self-audits, peer audits and management audits. They are now constructively discussed in team meetings to ensure any ongoing improvements and issues of consistency are identified and implemented.

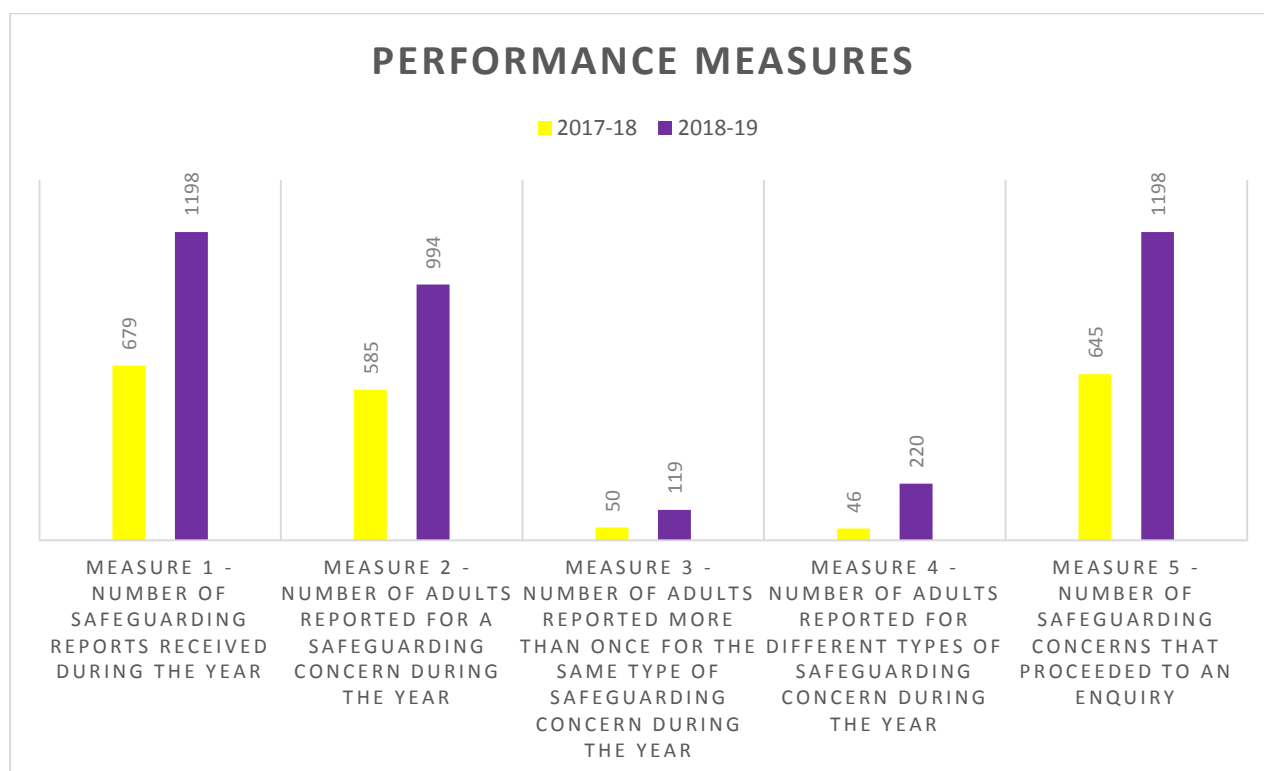
Internal and external partners have reported that the implementation of the enquiry process and the dedicated duty officers has provided a much clearer, easier and robust mechanism for reporting safeguarding concerns. They also report that the dedicated officers are responding efficiently and appropriately to safeguarding concerns.

In practise, most safeguarding referrals have easy to achieve solutions which can be addressed by prompt intervention and support from professionals, or they relate to service delivery or practise issues. Concerns in relation to the latter can be reported to adult safeguarding using the Service Provider Concern/Incident Report Form which will be shared with the commissioning body and contracting team to take action to ensure improvement to quality ([Appendix 7](#)).

As well as working with our contracting and commissioning colleagues on a daily basis, both teams meet quarterly to share information and inform of any service or practice changes. Both teams report the constructive nature of these meetings. For continuity the safeguarding team work with an allocated cluster of service providers which enables the team to identify any accumulation of concerns or trends which are addressed collaboratively with commissioners and partner agencies. ([Appendix 6](#))

The improvements and changes described above have enabled us to capture more accurate data in relation to the performance measures set by Welsh Government and the Regional Safeguarding Board. This improved data set allows us to better understand patterns and trends which will influence our future prevention and protection strategies.

Safeguarding performance data



In summary:

The Local Authority received 1198 safeguarding reports which related to 922 individuals. Of the 922 individuals, 276 were reported more than once. This was either for the same category of Safeguarding concern or for a different category of concern.

63 individuals were reported more than once for the same safeguarding concern as well as different concerns.

For example:

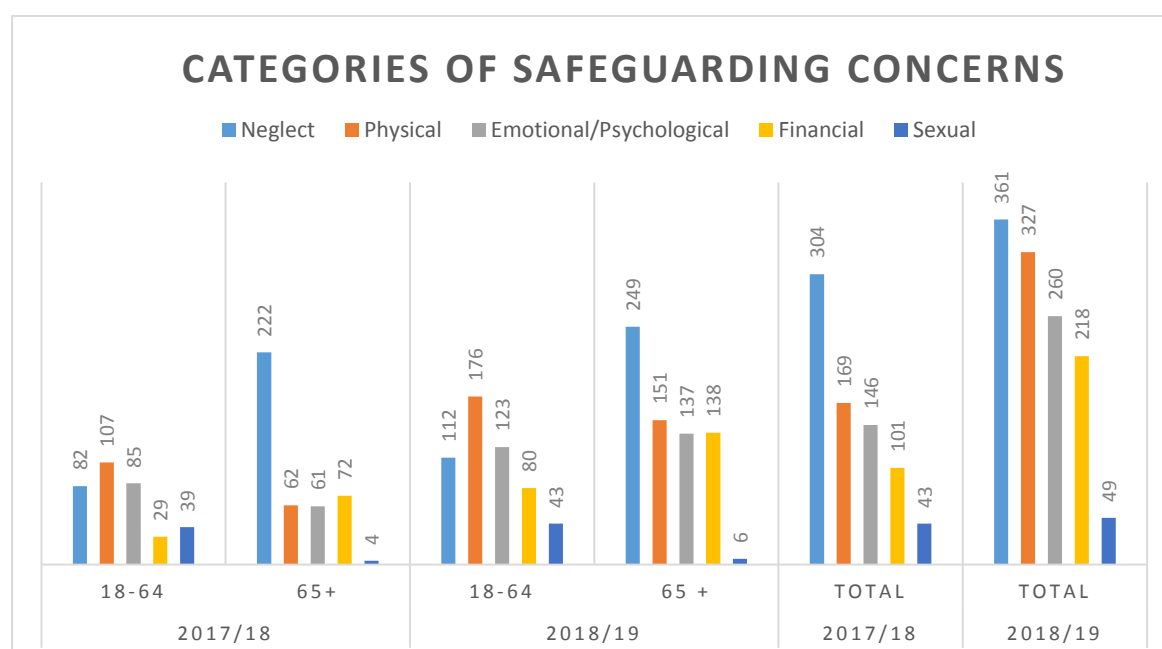
A report received in relation to Mrs X in April 2018 relating to alleged verbal abuse by paid Carer. A report relating to the same Mrs X received in June 2018 for alleged theft by paid Carer. A further report received in October 2018 for alleged neglect by paid Carer.

Having created dedicated safeguarding duty officer posts at the first point of contact, we have been able to improve the way in which we capture and record safeguarding activity. We have created two data forms which have been amended, more than once. This process now allow us to collect data at the appropriate points of the process

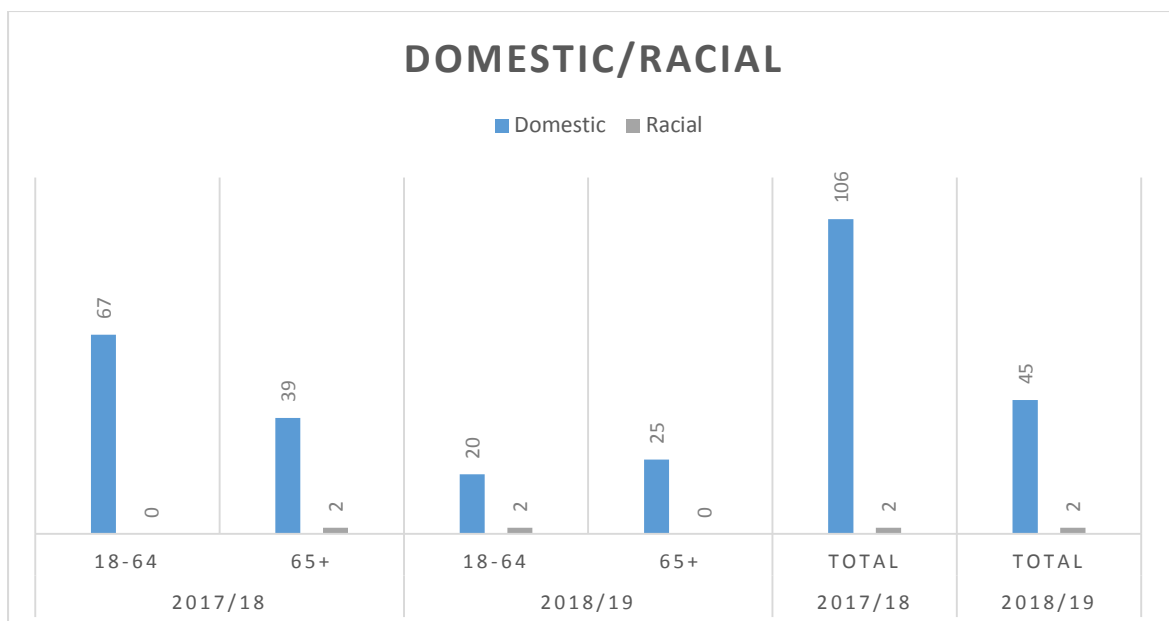
This new way of capturing data accounts for the steep, yet accurate increase reported in performance [measure 1](#). The absence of robust mechanisms in the past, meant that we were not capturing the true extent of the safeguarding reports received by professionals and the public via telephone.

Performance [measures 2 and 3](#) have an obvious correlation to the increase reported in performance [measure 1](#). There are some obvious reasons for the repeat cases including the challenges which come with supporting complex individuals, coupled with a professionals' duty to report concerns to the local authority. However, as our safeguarding arrangements continue to evolve, further analysis will be undertaken to better understand such repeat cases to identify the reasons and potential prevention opportunities.

Category of Safeguarding Concerns



of which



In summary:

Neglect remains the most common type of concern reported and is most prevalent in women aged 65 and over, as is every other category of concern described. Even though all categories of concerns have increased proportionately to the increase number of referrals, physical, emotional/psychological and financial have seen the highest increases.

Domestic abuse reports have however decreased in 2018/19 in comparison to 2017/18. This is likely to be as a result of a reduction in inappropriate domestic abuse incidents reported to the local authority by Police. A new and more appropriate mechanism for reporting these concerns was agreed with Dyfed Powys Police in 2018 and approved by the Regional Safeguarding Board.

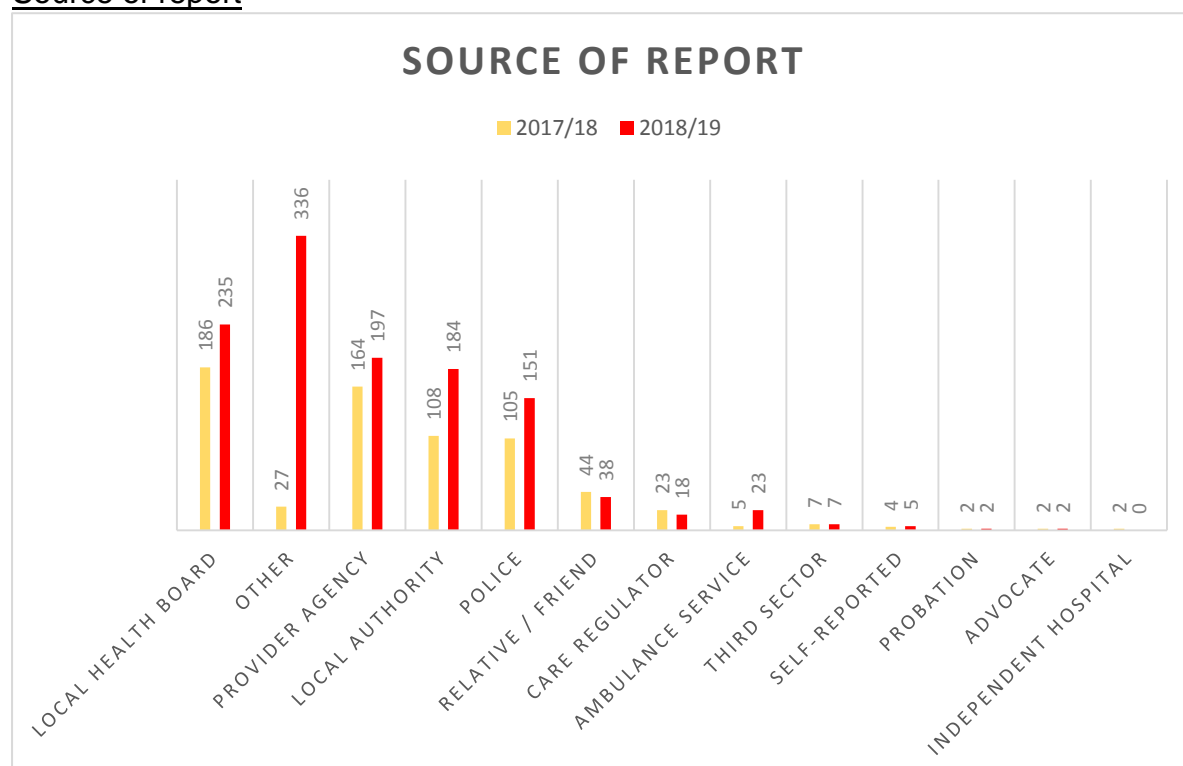
The domestic abuse figures above do not include the high risk domestic abuse cases that are managed via the MARAC process. The number of domestic abuse cases reported above only relate to individuals who meet the criteria of an adult at risk. ie

- an adult who is experiencing or at risk of abuse or neglect (Safeguarding Concern)
- has needs for care and support (whether or not the authority is meeting any of those needs); and
- as a result of those needs is unable to protect himself/herself against the abuse or neglect (Safeguarding concern)

There is a noticeable change in 2018/19 in that the majority of domestic incidents reported last year relate to individuals who are aged **over 65 years**, the majority of whom are female. This is a change in trend to previous years and one which the Older Persons Commissioner for Wales has also recognised. Carmarthenshire are

fortunate to benefit from the services of the Dewis Choice Project pilot which supports older people experiencing domestic abuse.

Source of report



The largest number of safeguarding reports are received from our statutory partner agencies and commissioned service providers. This is an expected trend based on the statutory duty placed on partner agencies to report safeguarding concerns to the local authority and provider agencies contractual obligation to do so. Concerns relating to provider agencies are shared with commissioners and Care inspectorate Wales.

There has been a significant increase in reports received from “other” for which further analysis is required. Although not significant in numbers, reports from the ambulance service have also increased.

Reports from relatives and friends have decreased as have reports from the Care regulator.

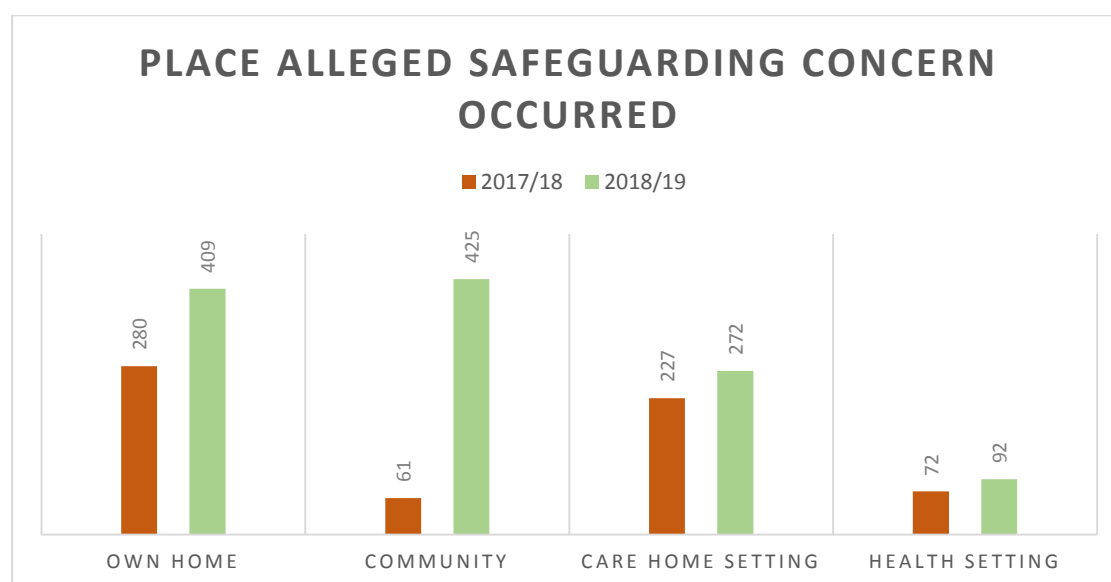
Safeguarding enquiries

The Social Services and Well-being Act, Part 7 states that “an enquiry should normally be completed within SEVEN days of the referral. This will not prevent immediate action being taken when necessary to protect an adult at risk. If an enquiry takes longer than seven days, the reasons should be recorded. The local authority should monitor progress with the enquiry if another agency is making enquiries and ensure compliance with timescales to prevent delay. The seven day timescale is not changed where the local authority causes the enquiry to be made by another agency”.

The dedicated safeguarding duty officers work closely with partner and other agencies who respond to, and undertake enquiries on our behalf where appropriate. These concerns are responded to within the seven day timescale in most instances. Where the timescales are not met, there are often valid reasons which are properly recorded.

Enquiries	2018/19	2017/18
Number safeguarding enquiries undertaken within 7 days	96%	93%

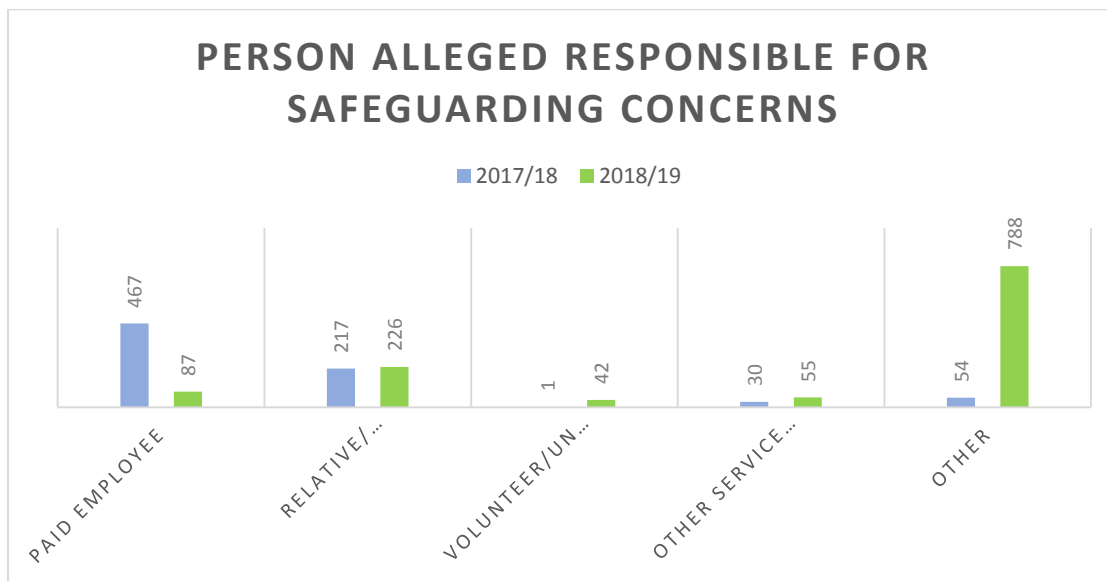
Place alleged Safeguarding Concern



Alleged Safeguarding concerns appear to be more prevalent in the community which has seen a significant increase during the year 2018/19. There are some inconsistencies in how this is being recorded and some different interpretations of what constitutes community/home. This will be analysed in more detail at the next safeguarding development day in June. These meetings are held quarterly and enable the team to analyse performance as well as identify service improvements and good practice.

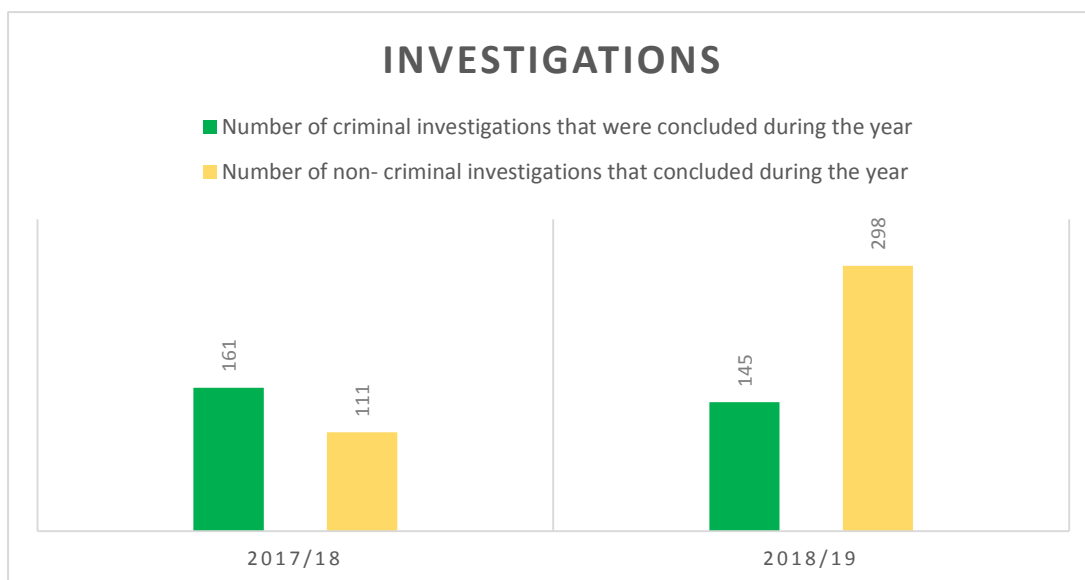
Community/own home referrals will include a mix of reports relating to Domiciliary Care services, district nursing and familial Safeguarding concerns to name but a few.

Person alleged responsible for Safeguarding Concerns



There figures above suggest that there are anomalies in how this information is being captured and this will be further analysed. The majority of the information is captured at the first point of contact where the focus is on the adult at risk as opposed to the alleged perpetrator.

Investigations



Criminal investigations

Criminal investigations are undertaken by the police when a crime has or is suspected to have happened. The police lead on these investigations and follow their prescribed procedures. These police make the decision as to whether a criminal investigation will take place.

Non-criminal investigations

The purpose of a non-criminal investigation is to determine if there are organisational, individual, and professional or practise issues requiring improvement or correction. Investigations are carried out by the relevant, appropriate and empowered organisation.

The types of investigation will typically be as follows: disciplinary, complaint, extended safeguarding enquiries, escalating concerns, referral to professional body, regulatory action, or inquest, etc. Attendees at the safeguarding strategy meeting will collectively agree the most appropriate type and method for investigation.

Safeguarding teams may monitor the investigations if appropriate, but cannot practicably be responsible for ensuring that they are carried out or for their quality. This would require the local authority to be in control of other organisations disciplinary investigations and professional conduct investigations and the subsequent improvement plans or actions required. This is a significant change to procedure since the introduction of the Social Services and well-being Act.

Where the allegation is against an individual and is investigated under the relevant disciplinary, professional conduct or criminal procedures, their Article 6 human rights will be promoted by those procedures. Allegations about Individuals will not be investigated by the local authority safeguarding team.

Professional concerns

Relate to allegations about the actions or behaviour of an individual who is employed in a role working with vulnerable adults or children. A professional concerns strategy meeting will be convened to consider any actions required to address the potential risk posed by the professional to the individuals they work/live with. (Appendix 8)

Such meetings will also be convened when a safeguarding referral identifies an employee as the alleged perpetrator of a safeguarding concern. The participants of the professional concerns strategy meeting may decide that an appropriate investigation is undertaken and/ or a referral to a professional body.

The Regional Safeguarding Board recognise that much of the data currently captured is quantitative rather qualitative. In response, it has given the adult safeguarding leads across the region a clear mandate to establish a meaningful mix of both qualitative and quantitative measures which evidences the outcomes achieved for the individuals involved. The outcome of this piece of work will be considered by the Regional Safeguarding Board.

Deprivation of Liberty Safeguards (DoLS)

Background

The Deprivation of Liberty Safeguards (DoLS) form part of the Mental Capacity Act 2005 and were introduced in England and Wales in April 2009. They were introduced to give a legal framework to vulnerable people who lack mental capacity in care homes and hospitals.

The safeguards exist to provide a proper legal process and suitable protection in those circumstances where deprivation of liberty appears to be unavoidable, in a person's own best interest.

In March 2014, a Supreme Court judgment [P v Cheshire West and Chester Council; P & Q v Surrey County Council] effectively lowered the threshold for DoLS referrals. The Supreme Court confirmed that to determine whether a person is objectively deprived of their liberty there are two key questions to ask, which is described as the 'acid test'

- Is the person subject to **continuous supervision and control** (all three aspects are necessary).
- Is the **person free to leave** (The person may not be asking to leave or making an attempt to leave but the issue is about how staff would react if the person did try to leave)
- This now means that if a person is subject to both continuous supervision **and** control **and** is not free to leave, they are deprived of their liberty.

This new threshold meant that many individuals residing in residential/nursing homes or hospitals became eligible for the safeguards. The responsibility for DoLS assessments in residential/nursing homes is held by the local authority Safeguarding/DoLS team and, a database is held of all applications made and authorisations given.

Each authorisation requires 6 assessments, 3 of which are undertaken by a section 12 approved doctor and the remaining 3 undertaken by a Best Interest Assessor (BIA). Limited professions are eligible to undertake these assessments one of which being Social Work.

Five (5) independently commissioned doctors are usually available to the local authority to undertake the compulsory mental health, mental capacity and no refusal assessments, all of whom return their assessments within the agreed timescale. The cost for three assessments per person is approximately £180

To date, 32 Carmarthenshire Social Workers have been trained as a Best Interest Assessor (BIA) for the purpose of undertaking Deprivation of Liberty Assessments. Two of the assessors are full time members of the Safeguarding/DoLS team, both of whom are fluent welsh speakers, and undertake regular assessments as well as auditing assessments in preparation for authorisation

Six (6) independent Best Interest Assessors are also available to the local authority we utilise these assessors for urgent and complicated assessments. They also return assessments within the agreed timescales and cost £120 for the 3 assessments per person.

The total cost of commissioning assessments, independent mental capacity advocates and Court of Protection applications during 2018/19 was £163,020.

A schedule of allocations for undertaking assessments has been developed and shared with the locality teams, enabling the BIA's and their managers to effectively manage workloads and competing daily demands. Over 95% of assessments undertaken by our Internal BIA's are also completed within the 21 day timescale.

A statistical return is provided to Welsh Government on an annual basis and a national report is produced jointly by CIW/HIW. The 2017/18 report can be found in ([Appendix 9](#)). The 2018/19 report is due in March 2020.

Demand

Carmarthenshire has the third highest demand for DoLS applications in Wales, with only Cardiff and Swansea receiving higher volumes. This is due to the large number of residential and nursing homes in the county.

There are 86 Care Homes within the county of Carmarthenshire with a capacity for approximately 2087 people.

Breakdown

- Llanelli = 29 Homes, 753 people
- Carmarthen = 33 Homes, 684 people
- Ammanford = 24 Homes, 650 people

During the last 3 years Carmarthenshire has received an average of 578 DoLS applications each year. Some of these applications are deemed urgent which need to be completed within 5 days, however the majority are standard applications which have to be completed within 21 days.

During the past year there have been some challenges in authorising the assessments promptly however, we have recently utilised the full time BIA staff to undertake pre authorisation checks using an audit tool developed from various good practice examples. The audit tool, ([Appendix 10](#)) enables us to effectively check that all essential elements of the assessment are properly addressed and documented. The audits allow the senior manager to confidently authorise the assessments in a timely fashion.

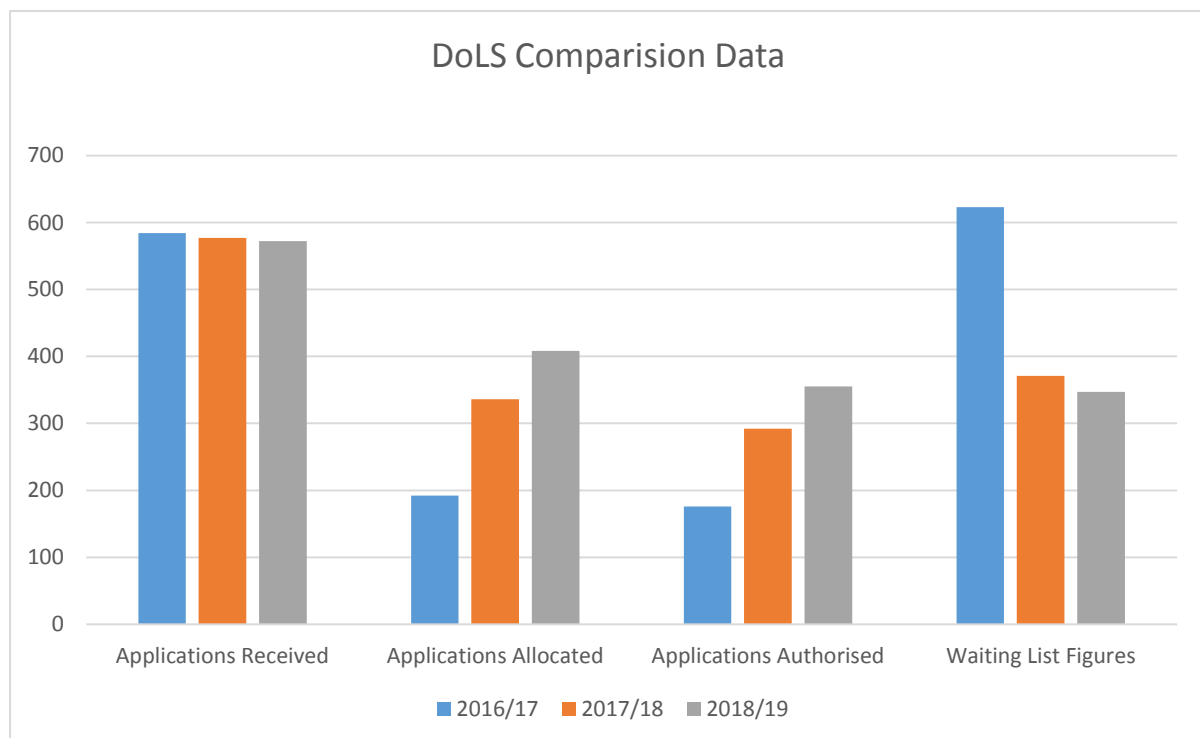
Other improvements to the DoLS process continue to take place and we have developed a robust mechanism to identify and allocate the most urgent applications as they are received. A process map detailing the whole allocation process is currently being finalised. We have improved all standard letters relating to DoLS and as of 20th May we have removed the need to send any paperwork to families via the postal system. All documents will now be sent electronically to the care home and collected from there. This has been done in partnership with Care homes and in response to potential data breach risks which are now significantly minimised.

The senior manager jointly chairs the regional DoLS forum which our full time BIA's regularly attend. They also attend regular training and are currently studying a new Swansea University accredited master's level course in assessing mental capacity.

Carmarthenshire has a well-established and well attended DoLS practice exchange where staff are able to share good practice, challenging scenarios and important case law updates. Staff report attendance at these meetings is helpful and informative. The success of this group is such that it has resulted in requests to attend from other BIA's across the region.

Deprivation of Liberty Safeguards will soon change to Liberty Protection Safeguards (LPS) which will improve the process in many ways. However, deprivations that occur within a person's own home as well as deprivations to the liberty of 16/17 year olds who lack mental capacity will now fall in its remit. During the Summer of 2019 a scoping exercise will be undertaken to gauge the impact of the change in legislation.

Data



Year	Applications Received	Applications Allocated	Applications Authorised	Waiting List Figures
2016/17	584	192	176	623
2017/18	577	336	292	371
2018/19	572	408	355	347

During 2018/19 a total of 572 applications were received and 408 allocated. Those that weren't allocated were either ineligible for DoLS, passed away or moved. Of the assessments undertaken, 82 % were authorised. The remaining 18 % were either deemed to have mental capacity, passed away or moved before the authorisation was given.

As can be seen from the chart above, Carmarthenshire County Council is assessing and authorising more deprivation of liberty safeguards and reducing the backlog which has accrued since the Cheshire West judgement in 2016. We are able to do this as a result of the continued effort and commitment of our operational social work teams.