

ERoSH response to “Safeguarding Adults – a consultation on the review of the ‘No Secrets’ Guidance” by Imogen Parry, Director of Policy, 28th January 2008

Introduction

ERoSH, formerly the Essential Role of Sheltered Housing, is a registered charity whose aims include the promotion of joint working between sheltered housing staff and their counterparts in other agencies. Given the necessity of joint working to protect vulnerable adults from abuse, ERoSH welcomes the opportunity to respond to the consultation on No Secrets. We also attach as Appendix One an analysis of barriers to joint working between housing and staff working in adult protection, with suggested solutions – this amplifies some of our answers below.

Note that we have chosen to respond to selected questions (not all) and the questions are not always stated in full.

1 Where should leadership for safeguarding adults lie nationally, and how should the various national organisations work together?

There should be a cabinet minister with responsibility for all Safeguarding (including children and teenagers), with cross departmental powers.

The Safeguarding coordinator in each local authority should be given more power to act, disseminate information, co-ordinate responses, collect data etc.

2 Should we be doing more work on prevention?

The government should fund a massive and continuous awareness raising campaign about abuse, on a par with previous and current campaigns about domestic violence, seat belts, smoking cessation etc.

3h Should there be national safeguarding adults’ guidance that incorporates training, outcomes and multi-agency procedures?

Yes, and the training should be multi-agency and use actual case studies – almost all adult protection/safeguarding training involving housing staff is single agency and represents opportunities missed to improve mutual understanding of roles and working relationships.

There should be appropriate guidance specific to the audience, authority, organization, staff, and service users.

4 What aspects of safeguarding do we need to build into personalisation?

There are tensions between the promotion of independence, choice and control and ensuring the protection and safeguarding of vulnerable adults. The Putting People First Concordat acknowledges this: *“We will always fulfil our responsibility to provide care and protection for those who through their illness or disability are genuinely unable to express needs and wants or exercise control.”*

The move towards the de-regulation of care through personalisation is of concern. There is a distinction between promoting choice and promoting control. The personalisation agenda can sometimes appear to promote the former at the expense of the latter, with the outcome of disempowerment of service users.

The outcome of the Hounslow case regarding the duty of care towards vulnerable adults could be very relevant to the answer to this question ie councils will not be able to dispense with their duty of care under personalisation. This reinforces the lesson from the Steven Hoskin serious case review that *“it is essential that health and social care services review the implications of acceding to people’s choice if the latter is not to be construed as abandonment. Steven Hoskin had lost all control of his own life within his own home. He had no say, choice or control over who stayed or visited the flat. He had no voice or influence over what happened with the premises.”*

The personalisation agenda increases the need for adult protection processes to be encompassed by a legislative framework. Advocates, brokers, monitors will all be needed to ensure that people receiving individual budgets are not being abused by those employed to care for them. We are not clear whether sufficient funding has been set aside for the training and employment of sufficient numbers of advocates.

There should be clearer guidance on when and when not to refer suspected cases of abuse – see 5 b below.

5 What aspects of personalisation – greater independence, choice and control – can we build into safeguarding?

- a) It will be crucial for appropriate staff to be trained in the use of the Mental Capacity Act 2005 ie continually assessing that people are able to make informed decisions AND without being coerced.
- b) We would endorse Sue Garwood’s response to this question, ie. that individuals’ rights to choose not to have a referral made into Safeguarding procedures need to be respected, unless certain criteria are met. Our proposed threshold for referral to social services in the absence of consent (if one or more factors are present) is:
 - the level of risk to the individual is deemed to be unacceptably high
 - it is in the public interest e.g. other people are at risk
 - the alleged perpetrator is a vulnerable adult and may be at risk as well
 - the victim lacks capacity
 - if a serious crime has been committed
 - staff are implicated in the crime.

Some adult protection coordinators are of the view that all concerns, suspicions, allegations of abuse must be referred into Safeguarding procedures. Conversely, many housing staff are of the opinion that tenants’ permission must be given before a referral can be made into Safeguarding. We propose that the threshold above is incorporated into revised No Secrets guidance to clarify and address this problem. This and other barriers to joint working between housing and social services were explored in depth in a series of seminars – see Appendix One.

7a Do we need stronger policy links between safeguarding and community development and empowerment? How can this be achieved at the national and local level?

Yes, stronger policy and operational links are needed between safeguarding and community development and empowerment.

In terms of designing and building housing and environments, much can be done to mitigate vulnerable people becoming isolated, designing out loitering areas, providing adequate lighting, building to lifetime home standards etc - principles which probably apply to the community at large, not only vulnerable adults.

Greater policy links between organisations are needed (eg joint working protocols on information sharing) and increased mutual respect of each other's input. There should be clear links between the array of guidance/briefings etc and their status. It would be very helpful if all the components of the legislative framework (such as it exists) to support this area were brought together. The role of each agency could be clearer and the role of housing providers should be defined in legislation, including the duty to cooperate, share information.

A distinction needs to be made between safeguarding for the community as a whole and the protection of vulnerable adults in the community.

Commissioning processes could help achieve improvements provided robust contract compliance takes place.

KPIs would be of assistance providing they are meaningful.

The main issues are:

- Greater recognition of the role that non statutory organisations, can make
- Greater co-operation and joint working
- A consistency of approach across all authorities
- Clarity on the Data Protection issue
- Acknowledgement and assistance in dealing with the conflict of employees rights/service user
- Lack of involvement, inclusion by housing staff in strategy meetings and insufficient feedback after referrals

As well as asking for recognition of voluntary organisations' contribution at national level there needs to be stronger emphasis on the responsibilities on the - third sector in prevention/ alerting, emphasising that abuse is everyone's business.

Many housing organisations have a long-standing tradition of non-interference with their tenants/residents. Increasingly they are housing people who might hitherto have been in residential care and are extremely vulnerable. This necessitates a cultural shift in the context of adult safeguarding; a shift that providers have been slow to recognise and make. Whilst their non-interference ethos chimes well with the personalisation agenda of empowerment, self-determination etc, it needs to be tempered with recognition of the vulnerability to abuse of some of their residents. They need to be aware of the possibility and signs of abuse, and be willing to step in if abuse is suspected.

Housing organisations' policies and procedures have been underpinned by their ethos

of minimum interference. They have developed procedures for dealing with situations of anti-social behaviour (nuisance, harassment etc) which may be more likely to be dealt with internally, or with the police, the assumption being that they are dealing with capacitated adults. A great challenge for the sector therefore is how these policies and procedures should sit with safeguarding policies and procedures and which would be the most appropriate in a given situation. A safeguarding framework would be extremely helpful which recognises these issues and in some way assists housing providers either to be clear about the distinction (e.g. whether a vulnerable adult is involved or not, necessitating a fairly clear definition of “vulnerable adult”), or dovetails procedures in such a way that the distinction does not have to be made, for example if the police were the first port of call in cases of both abuse and harassment.

7b How can housing providers contribute to safeguarding? What could housing departments, housing associations and supported housing/living providers do to enable their tenants and residents to live safer lives?

Housing providers do and can contribute to Safeguarding by

- Alerting statutory authorities regarding concerns, allegations, suspicions of abuse
- Helping to prevent abuse e.g. through awareness raising campaigns with tenants
- Contributing to strategy meetings and investigations of abuse – drawing on extensive knowledge of service users’ lives, circumstances and wishes
- Monitoring abusive situations and reporting back to the adult protection team if circumstances change
- Using statutory powers relating to tenancy agreements, injunctions etc to protect tenants
- Ensuring that Safeguarding is part of the strategic and business plans of local authorities and housing associations, with appropriate training and policy framework set by councillors and board members
- Regularly reviewing tenancy agreements and consider specific clause relating to Safeguarding
- Including Safeguarding as part of housing strategy documents and develop policies in this area
- Reviewing approach to rehousing to support applications from vulnerable individuals and families; support individual access to Choice Based Lettings, but also consider multi agency Panels
- Reviewing allocations and rehousing policies to facilitate the re-housing of victims and alleged perpetrators
- Supporting victims of abuse and advocating for them including providing a safe refuge from abuse, eg in sheltered and supported housing

- Supporting staff
- Reviewing which staff will need to be registered with the Independent Safeguarding Authority from 2009 and providers ensuring that visitors to schemes have been checked – eg hairdressers, volunteers, food providers etc
- Reviewing internal policies and procedures annually, incorporating improvements and best practice models
- Reviewing how alerts have been responded to, learning from outcomes, reporting back to local authority on barriers to reporting

Housing departments, housing associations and supported housing/living providers could ensure the following to enable tenants and residents to live safer lives:

- Establishing positive working relationships with local adult protection teams and housing providers being represented at local multi-agency adult protection meetings
- Training of housing association board members in Safeguarding
- Ensuring all staff and volunteers are CRB checked
- Extending skills development and specific training to all staff, including community based workers, contractors and caretakers (ie everyone who visits people or gives frontline help & advice)
- Training for all staff, not just support staff, in adult protection, particularly in recognising the signs and indicators of abuse, knowing how to handle a disclosure of abuse and how to report abuse
- Training for all staff in the Mental Capacity Act, to understand their own and others' decision-making powers and responsibilities, and also understand the hierarchy of legal authority which applies to tenants
- Including Safeguarding in all relevant procedures for all staff, not just support staff
- Synchronising internal adult protection procedures with the local area multi-agency policy and procedure on adult protection/Safeguarding
- Addressing lack of feedback from adult protection teams after referral by housing staff
- Taking policy issues to local multi-agency adult protection meetings:
 - clarifying thresholds in which a client's refusal to allow a referral can be over-ruled
 - barriers to effective joint working.

(See Appendix One for fuller exploration of some of these points)

9a Do we need updated and refreshed *No secrets* guidance?

Yes, with a core document for all, and separate additional guidance relevant to each sector, including one for housing

9b Is new legislation necessary, and how would it help?

Yes. It would help by ensuring duty to cooperate, information sharing, joint protocols, and powers of entry.

9d Should we introduce a wider duty to cooperate in relation to safeguarding?

Yes, and should include housing – councils and housing associations. It would improve outcomes by addressing the key problem for housing of lack of feedback after referrals and lack of involvement in investigations – as indicated in 7a and 7b.

9e Should there be a power to enter premises where it is suspected that a vulnerable adult is being abused?

Yes, to apply to a range of defined professionals including housing.

9f Should such a power apply when an adult has mental capacity and may be self-neglecting or self-harming?

No.

9g If a power of entry is supported, which means to obtain entry should be introduced (e.g. authorisation by a senior police officer or magistrate or other means)?

Means to obtain entry should be authorized by a magistrate.

9h Should an offence of ill-treating or neglecting a vulnerable adult with capacity be introduced?

Yes – just because someone has capacity doesn't mean they can necessarily protect themselves, eg if they are severely physically disabled they may not be able to look after themselves, or even get to the phone to seek help.

9i Should there be a power to remove an adult who does have capacity and who does not consent, but who is thought to be being subjected to harm?

Yes, but only if there is a danger of death to the victim and/or there is certain evidence of coercion. There should be such a power to remove the perpetrator.

9j Should force be used to remove a person who is self-neglecting or self-harming?

No, unless the person is sectionable under the Mental Health Act.

9k If a person is removed, where should they be taken, for what purpose and for how long?

This is a poorly framed question and is impossible to answer.

10a Should the *No Secrets* definition of a vulnerable adult be revised?

Yes. We recommend the use of the definition proposed by Action on Elder Abuse: “adults who are unable to safeguard their own well-being, property, rights or other interest, are at risk of harm, and because of their circumstances, situation or environment, are more vulnerable to being harmed than other adults who are not so affected.” Any new definition must:

- be based on the principles of the Human Rights Act 1998 and the Mental Capacity Act 2005
- take account of the right of an adult to take risks in accordance with their informed choice which has not been affected by undue influence or coercion

Any new definition should not make the current situation of several definitions even worse. There should be no tie to entitlement or otherwise to community care services.

If the Scottish definition is considered, this should only be on the basis of a careful evaluation of its impact and outcome.

Submitted to No Secrets review team by email on 28th January 2009 by Imogen Parry, Director of Policy EROSH, (Essential Role of Sheltered Housing) – registered charity 1098050. A key aim of EROSH is to promote joint working between sheltered housing staff and professionals in other agencies.

EROSH website: www.shelteredhousing.org

Director of Policy address: 5 Glenmire Terrace, Stanstead Abbots, Herts SG12 8AD Tel: 01920 870384 Email: imogen.parry@btopenworld.com

EROSH administrator address: PO Box 2616 Chippenham, Wiltshire SN15 1WZ

APPENDIX ONE

VULNERABLE ADULT PROTECTION AND HOUSING – BARRIERS TO CLOSER WORKING, SOLUTIONS AND GOOD PRACTICE

by Imogen Parry, Director of Policy EROSH** and an independent sheltered housing consultant and Pete Morgan, formerly Vulnerable Adult Protection Coordinator with Coventry City Council and now Head of Service - Adult Protection with Birmingham City Council.*

The two authors ran seminars exploring consent issues for housing staff at the AEA Annual Conference in March 2007. A wide range of other barriers to joint working emerged and we decided to develop a series of seminars to explore these issues further, and with the aim of coming up with some solutions. With the support of EROSH, PAVAUUK, AEA, CSHS and the Independent Safeguarding Authority three seminars in London, Coventry and Manchester were run between November 2007 and March 2008 which were well attended by Adult Protection Coordinators, social workers and housing managers. Set out below are the problems that participants identified and the related solutions.

PROBLEM/BARRIER	SOLUTION/GOOD PRACTICE
1 Client/ “victim” related problems	
1.1 Not recognising they are being abused.	<ul style="list-style-type: none">• Education, support, small empowering steps, information, being honest, building up trust.• Multi-agency and national awareness campaigns.• Use annual World Elder Abuse Awareness Day as catalyst.
1.2 Refusing to allow referral to other agencies combined with mistaken belief by housing staff that permission has to be given for all referrals.	<ul style="list-style-type: none">• Clear thresholds agreed between agencies to ensure consensus regarding when refusal to consent can be overruled.• Clear statement to service users of procedures before they enter service provision.
1.3 Previous bad experience (eg being accused of being an unreliable/ incredible witness) and consequent reluctance to report abuse to staff.	Empowerment, reassurance.
1.4 Tenants in general needs or owner occupied housing may not be identified as being abused. Focus of Supporting People requirements for staff to be trained is on those	Housing provider ensures that all staff are aware of internal and external adult protection procedures, can identify signs of abuse and know who to report to.

PROBLEM/BARRIER

SOLUTION/GOOD PRACTICE

working in supported and sheltered housing – but vulnerable adults can live anywhere.

2 Referral related problems

- | | |
|--|---|
| 2.1 Housing staff not knowing when to report what to whom. | <ul style="list-style-type: none">• Multi-agency training for staff as required by No Secrets• Clear multi-agency policies with explicit explanations about criteria for referral as required by No Secrets• County and district level directory of services and posts on internet, to include forms and flow charts. |
| 2.2 Low number of referrals from housing staff. | <ul style="list-style-type: none">• Raise in contract compliance monitoring meetings between Supporting People and support provider• Awareness raising, multi-agency training. |
| 2.3 Reluctance by staff to refer/report abuse due to fear of: <ul style="list-style-type: none">• litigation by staff against manager referring• witness (repercussions)• damaging organisation's reputation• "all guns blazing" response | Joint senior level meeting between adult protection team and housing staff to address these barriers. |
| 2.4 Lack of motivation to report abuse due to: <ul style="list-style-type: none">• apathy• previous bad experience eg service user being deemed an "unreliable witness" and therefore no action taken• ignorance of procedures, internal and external. | <ul style="list-style-type: none">• Help staff to be more confident in the reporting of abuse, and in challenging when necessary.• Abuse covered in induction and on-going training throughout employment. |
| 2.5 Mistaken belief by housing staff that service user permission has to be | Clear thresholds agreed between agencies to ensure consensus regarding when refusal to consent can be |

PROBLEM/BARRIER

given for all referrals.

2.6 No named person taking referrals (generic email address).

3 Problems following referral

3.1 Social services refuse to accept the referral due to failure of "victim" to meet definitions of vulnerable adult or abuse. Some authorities use FACS criteria to assess and only accept referral if the person meets critical or substantial criteria.

3.2 Insufficient information contained in the referral to enable social services to make a sound decision regarding action eg inadequate risk assessment.

3.3 No feedback to the referrer. Variety of reasons given or surmised:

- confidentiality, Data Protection Act
- patronising, defensive, negative attitudes towards housing staff, often based on out-of-date understanding of their role.

3.4 Referrer not invited to strategy meeting, despite extensive knowledge of situation.

SOLUTION/GOOD PRACTICE

overruled.

- Follow up the referral; find a name in the office to fax referral to
- Ensure automated responses to electronic referrals give contact details and case reference number.
- Raise in contract compliance monitoring meetings between Supporting People and housing provider.

- Send copy of referral to Adult Protection Coordinator. They can't refuse to accept it though they might decide not to take any action.
- Challenge the narrow interpretation of vulnerable adult, against the spirit of No Secrets.
- Use the Social Services complaints procedure if all else fails.

- Create common referral form for county/unitary authority – eg South Wales
- Multi-agency training.

- Clearly defined feedback procedures – reference number, key person, time limits, defined steps/actions, access to information and how to use it – could emulate CSCI regulations regarding feedback
- Monitor within the service how procedures are being implemented – individually and strategically
- Raise in contract compliance monitoring meetings.

- Raise in contract compliance monitoring meetings
- Quote No Secrets which requires housing authorities to be involved
- Secure housing provider representation at multi-agency

PROBLEM/BARRIER

SOLUTION/GOOD PRACTICE

committee developing policies and procedures protecting vulnerable adults.

4 Contextual problems

- | | |
|--|--|
| <p>4.1 Insufficient priority given to vulnerable adult protection by some local authorities – hence harsh rationing decisions regarding eligibility.</p> | <ul style="list-style-type: none">• National minimum thresholds• Service Level Agreements eg Liverpool, Sefton. |
| <p>4.2 Inadequate understanding by social services and the police of housing role in adult protection – in particular the significant regulatory changes under Supporting People.</p> | <ul style="list-style-type: none">• Joint multi-agency training – basic and advanced (eg in Leeds).• Joint multi-agency conferences (eg Derbyshire). |
| <p>4.3 Positive responses often based on existing personal relationship – inconsistent and unfair.</p> | <ul style="list-style-type: none">• Clearer referral mechanisms• Networking opportunities for all, not just a few. |
| <p>4.4 Problems for RSLs with stock across several local authorities – unable to develop working relationships with adult protection staff, or attend strategic/policy meetings. Working across England, Wales and Scotland – understanding the differences in policy and law.</p> | <p>Appoint an abuse “champion” at senior level within the RSL to cascade information throughout the organisation and to meet regularly with other senior managers to identify geographical areas that merit special attention.</p> |
| <p>4.5 Problems for local authorities with lots of RSLs in their area – how to liaise with them and seek fair representation on multi-agency committee.</p> | <p>Local authority contact Supporting People Lead Officer to: obtain list of supported and sheltered housing providers; seek information regarding existing housing provider fora to disseminate information/seek involvement or representation for multi-agency committee. Housing sub-group.</p> |

PROBLEM/BARRIER

SOLUTION/GOOD PRACTICE

- 4.6 Lack of protocols between agencies
- Agree common referral form within a county or unitary authority.
 - Leeds inter-agency information sharing protocol - can be copied from internet
- 5 Strategic/national problems**
- 5.1 No Secrets is only guidance, not legislation and had no extra resources to go with it; there are no Performance Indicators. Inconsistent interpretation of No Secrets between local areas.
- Lack of clout, levers, ownership of adult protection.
- AEA have recommended:
- National data set - DoH Accepted
 - Performance measures - DoH Accepted
 - Legislation – DoH considering
- A review of No Secrets - DoH currently implementing.
- 5.2 Inconsistent terminology regarding abuse and abuse referrals.
- National dataset, performance measures and review of No Secrets should resolve.