

# Adult Safeguarding and Deprivation of Liberty Safeguards (DoLS)

Annual Report  
2022-23

The Social Services and Well-being (Wales) Act 2014 (SSWBA) places adult safeguarding on a statutory footing and sets out a strong, partnership approach to ensuring adults with care and support needs are protected from harm. The Local Authority Safeguarding duties are detailed in the SSWBA (Part 7) and supported by statutory guidance and National Safeguarding Procedures.

<https://safeguarding.wales/en/>

To further strengthen safeguarding arrangements in Wales, SSWBA established a National Independent Safeguarding Board and six Regional Safeguarding Boards. Carmarthenshire County Council is a partner of the Mid and West Wales Regional Safeguarding Board.

### **National Independent Safeguarding Board**

The National Independent Safeguarding Board (NISB) is now well established and continues to work closely with Welsh Government and the six Regional Safeguarding Boards. It has three primary functions:

1. To provide advice and support to Regional Safeguarding Boards with a view to ensuring they are effective
2. To report on the adequacy and effectiveness of arrangements to safeguard children and adults in Wales
3. To make recommendations to Welsh Ministers as to how those arrangements could be improved

Please see below link to the National Independent Safeguarding Board website which includes the 2022-23 annual report and associated workplans.

[Home - Safeguarding Board Wales](#)

### **Mid and West Wales Regional Safeguarding Board**

The Mid and West Wales Regional Safeguarding Board (RSB) has been operational since 2016 and replaced local safeguarding boards. The statutory functions of the board are carried out by Carmarthenshire, Ceredigion, Pembrokeshire and Powys Local Authorities, Dyfed Powys Police, Hywel Dda University Health Board, Powys Teaching Health Board, Public Health Wales and the Probation Service (Wales). The board may also include other persons or bodies that it considers should be represented and who are involved in or have activities or functions relating to children or adults in its area.

The Mid and West Wales Regional Safeguarding Board has two distinct

workstreams, one for children (CYSUR) and one for adults (CWMPAS). Both are overseen by a combined regional board which meets on a quarterly basis.

The board is well established and well regarded nationally. It has robust governance arrangements in place supported by a very effective business unit. It continues to facilitate successful multi agency working arrangements which often results in improved and consistent safeguarding practices across the region. Carmarthenshire's Director of Communities is chair of the Regional Safeguarding Board and takes a proactive role in ensuring it fulfils its statutory obligations. Under his leadership the board maintains a clear focus on the needs and experiences of children and adults requiring statutory support.

In responding to the needs of children and adults at risk within the Mid and West Wales region, the board monitors regional compliance with national legislation and policy, facilitates Child and Adult Practice reviews and any associated learning and improvement activity. It facilitates regional training events and shares national, regional and local good practice. Leaders and front-line practitioners in Carmarthenshire County Council make a significant contribution to the work of the Regional Safeguarding Board and take a lead or active role in all its associated subgroups and workstreams.

Please see below link to the Mid and West Wales Regional Safeguarding Board Website which includes published practice reviews and the 2022-23 Regional Board report. <http://cysur.wales/home>

### **Adult Safeguarding- Carmarthenshire**

The national and regional arrangements continue to support and strengthen Carmarthenshire's ongoing commitment to safeguarding its citizens from abuse or neglect. This includes embedding an "everyone's responsibility" approach to keeping people as safe as possible. This is achieved through the regular training offered to internal and external staff and the robust policies and procedures in place.

In addition to the training opportunities and resources facilitated by the Regional Safeguarding Board, a range of local safeguarding training opportunities were delivered by Carmarthenshire County Council throughout 2022/23 including those specific to Violence Against Women, Domestic Abuse and Sexual Violence (VAWDASV). New National Safeguarding Training, Learning and Development Standards are due to be published by Social Care Wales in April 2023. The standards will guide future targeted Safeguarding training programmes locally, regionally, and nationally.

### **Carmarthenshire Local Operational Group (CLOG)**

The Carmarthenshire Local Operational group CLOG further evidences the continued commitment of all local agencies to work together to improve safeguarding arrangements within the county. It focuses on achieving the best outcomes for children and adults at risk by improving joint working practices and seeking solutions to multi agency operational challenges. It is responsible for undertaking multi agency audits, has oversight of Child and Adult Practice Reviews and any associated learning. The group meets on a quarterly basis and is jointly chaired by the Heads of Children and Adult services which confirms its importance.

### **Carmarthenshire Adult Safeguarding**

The scope of adult safeguarding duties and responsibilities is evolving. In addition to fulfilling the local authority statutory duties set out in the SSWBA, the Adult Safeguarding team play an active role in managing or contributing to numerous Multi- Agency Safeguarding processes. This includes the Multi Agency Risk Assessment Conference (MARAC) meetings relating to the highest risk domestic abuse victims. These meetings have been extended to include Modern Day Slavery victims and those at risk of so called “Honour Based Violence”. The primary focus of the MARAC is to safeguard the victim, and any children or adults at risk. The team also participate in the Multi Agency Public Protection Arrangements (MAPPA) meetings in relation to individuals who present a risk to the public.

The safeguarding team manage arrangements to support individuals displaying High Risk Behaviours including Self neglect which involves multi-agency information sharing and risk management. In February 2023 the team implemented the Regional rapid response procedures to suspected suicide. This pilot project ensures a prompt offer of support to those who have been affected by or may be at risk as a result of a recent suicide death. The project will be evaluated in Spring 2024.

Effective safeguarding systems are those where all agencies work collaboratively to achieve the best outcomes for those at-risk including sharing relevant and timely information. The adult safeguarding team work closely with all partner and other agencies to ensure the most appropriate safeguarding action is taken by the right people, at the right time.

### **The Adult Safeguarding Team**

The adult safeguarding team is overseen by a Senior Manager with strategic safeguarding responsibilities, including Carmarthenshire's statutory Channel arrangements (early support for individuals vulnerable to being drawn into terrorism) and is chair of Carmarthenshire's Channel Panel. The postholder also manages the Mid and West Wales Violence Against Women, Domestic Abuse and Sexual Violence (VAWDASV) Regional Advisor who holds a large work portfolio. The Senior Manager post reports directly to the Head of Adult Social Care.

An operational Team Manager has been appointed with responsibility for ensuring effective operational delivery of the statutory Safeguarding and Deprivation of Liberty Safeguards responsibilities. This includes management of the operational team and all quality assurance functions.

The operational team comprises of six experienced Safeguarding Officers. Two Officers are dedicated to screening safeguarding reports and undertaking statutory safeguarding enquiries as per SSWBA (s126). The remaining team members undertake extended enquiries and investigations including those relating to commissioned services and Persons in a Position of Trust.

The safeguarding team continue to undertake regular training which is appropriate to their roles and routinely apply the learning to practice. The Senior Manager holds regular service development days where the team actively contribute to the analysis of team performance and the identification of service improvements. This continuous improvement approach evidences a shared commitment within the team to achieving good outcomes for adults at risk, delivering excellent service standards and ensuring ongoing compliance with statutory duties.

### **Person Centred safeguarding**

As previously reported, the SSWBA and the Wales Safeguarding Procedures support a shift in practice which focuses on the views, wishes and feelings of the person at risk which is the obvious starting point for any safeguarding intervention.

The safeguarding team, together with support from other professionals take a proactive role in visiting and speaking directly with the adult at risk to gain a clear understanding of the situation and the risks from their perspective. It is important to ensure that Individuals are an equal partner in their relationship with professionals. Solutions are based on the desired outcomes of the person wherever possible and supported by the professionals involved.

Adult safeguarding continues to be a challenging area of work as there is a fine balance

between intervening to manage perceived risks and respecting the right of an adult to make unwise decisions. Applying the principles of the Mental Capacity Act (2005) is a fundamental part of safeguarding interventions with adults and the involvement of independent advocacy is a key consideration.

### **Audits/Inspections**

Regular audits and inspections are an integral part of the safeguarding team quality assurance mechanisms. In addition to independent internal and external scrutiny, the team routinely review their own systems, processes, decision making and outcomes to ensure standards remain high.

The audits are undertaken in a variety of ways including, self-audits, peer audits and management audits. They are discussed constructively in team meetings and supervisions to ensure improvement opportunities and areas of inconsistency are identified and addressed.

The safeguarding team work closely with Carmarthenshire contracting and commissioning colleagues, exchanging information, and responding to concerns in relation to commissioned services, e.g. residential care homes. Both teams report the benefits and constructive nature of this close working arrangement. For continuity one dedicated safeguarding officer focuses entirely on concerns raised about service providers which ensures early identification of patterns or trends which are addressed collaboratively with service providers, commissioners, Care Inspectorate Wales, and other appropriate agencies.

### **Adult Protection Support Orders (APSO)**

The Social Services and Well-being (Wales) Act 2014 introduced Adult Protection Support Orders which enable an authorised officer (and anyone else named in the order) to speak with an adult suspected of being at risk of abuse or neglect in private if this is being prevented by another person. The purpose is to establish whether the person is making decisions freely, to assess if they are a person at risk and establish if any action should be taken.

Carmarthenshire County Council has not felt it appropriate to apply for an Adult Protection Support order during this reporting period.

### **Adult Practice Reviews (APR)**

In accordance with the Social Services and Well Being (Wales) Act 2014, the Regional Safeguarding Board must arrange for an Adult Practice Review to be held where abuse or neglect of an adult is known or suspected, and the adult has:

- died
- sustained potentially life-threatening injury or
- sustained serious and permanent impairment of health

The purpose of the review is to identify any learning or improvement opportunities for future inter-agency adult protection practice. A learning event will be facilitated by the Regional Safeguarding Board and attended by the professionals who were involved with the adult and their family.

The Regional Safeguarding Board completed one Carmarthenshire Adult Practice Review during this reporting period. The report has been published on the Mid and West Wales Regional Safeguarding Board website and the Carmarthenshire Local Operational Group will ensure the associated action plan is progressed.

### **Multi Agency Professional Forum (MAPF)**

A Multi Agency Professional Forum can be held when the circumstances do not meet the criteria for an Adult Practice Review but learning opportunities have been identified. The MAPF is another mechanism for identifying organisational learning, improving the quality of work with families, and strengthening the ability of services to keep people as safe as possible. Carmarthenshire County Council is currently reviewing two interventions to identify thematic learning.

### **Adult Safeguarding Performance Data**

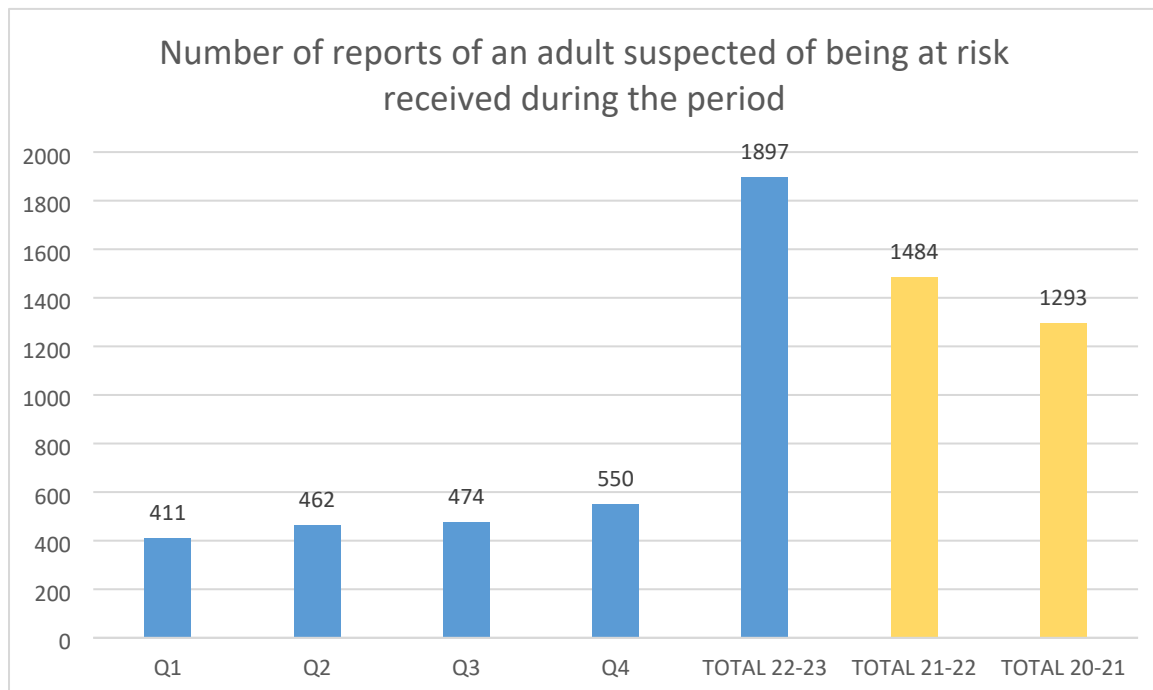
Adult Safeguarding performance measures are set by and reported to Welsh Government on an annual basis and additional performance measures are reported to the Regional Safeguarding Board quarterly. This data is analysed to better understand any changes in demand, patterns and trends which is used to influence and challenge current practices and inform future protection and prevention strategies. Further work will continue throughout 2023/24 to ensure the data captured is accurate, meaningful, and comparable.

The performance information provided to Welsh Government and the Regional Safeguarding Board is extracted from the Local Authority Management Information System. A new enhanced Information Management System was introduced in October 2021 and the collection of data from this system continues to evolve.



## Safeguarding performance data

### 1. Number of reports of an adult suspected of being at risk.



### Duty to report

The Social services and Wellbeing (Wales) Act 2014 placed a duty on 'relevant partner agencies' to report to the local authority any adult or child, including unborn children, they suspect is experiencing or at risk of abuse or neglect. There is also an expectation on **all** agencies and organisations to report safeguarding concerns to the local authority.

The Social Services and Well-Being (Wales) Act 2014 defines an adult at risk as a person who is:

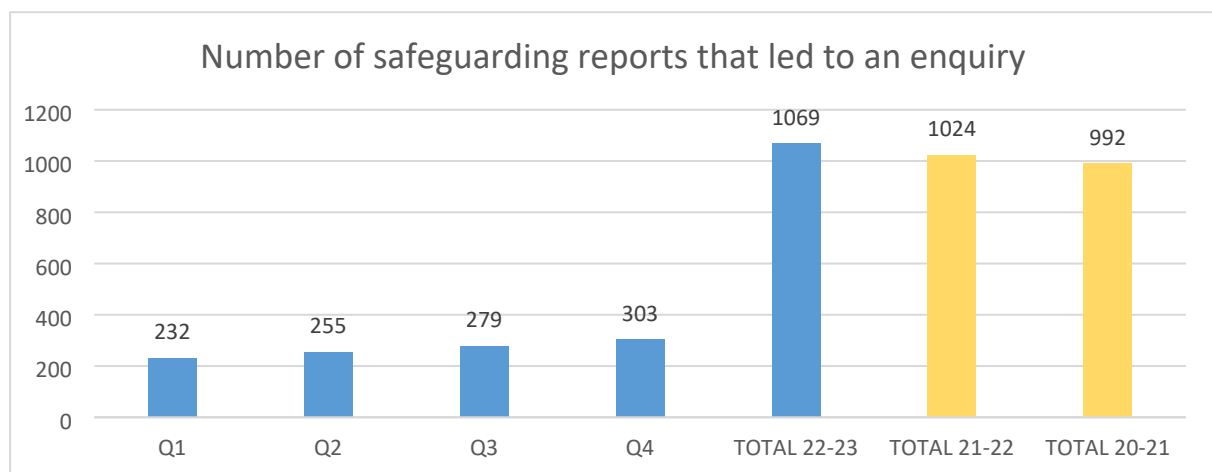
- experiencing or is at risk of abuse or neglect;
- has needs for care and support; and
- as a result of those needs is unable to protect themselves against the abuse or neglect or the risk of it

The total number of adult safeguarding reports received during the 2022/23 reporting period was **1897**. This compares with **1484** in 2021/22 and **1293** in 2020/21. This represents a 47 % increase over a 3-year period. This does not include concerns relating to Persons in a Position of Trust and does not include



the number of contacts for safeguarding advice and assistance received by the local authority adult safeguarding team. The increased number of reports is consistent with regional and national trends. The roll out of National, Regional and local safeguarding training has emphasised the legal duty to report and is a likely contributor to the increase.

## 2. Number of safeguarding reports that led to an enquiry (s126)

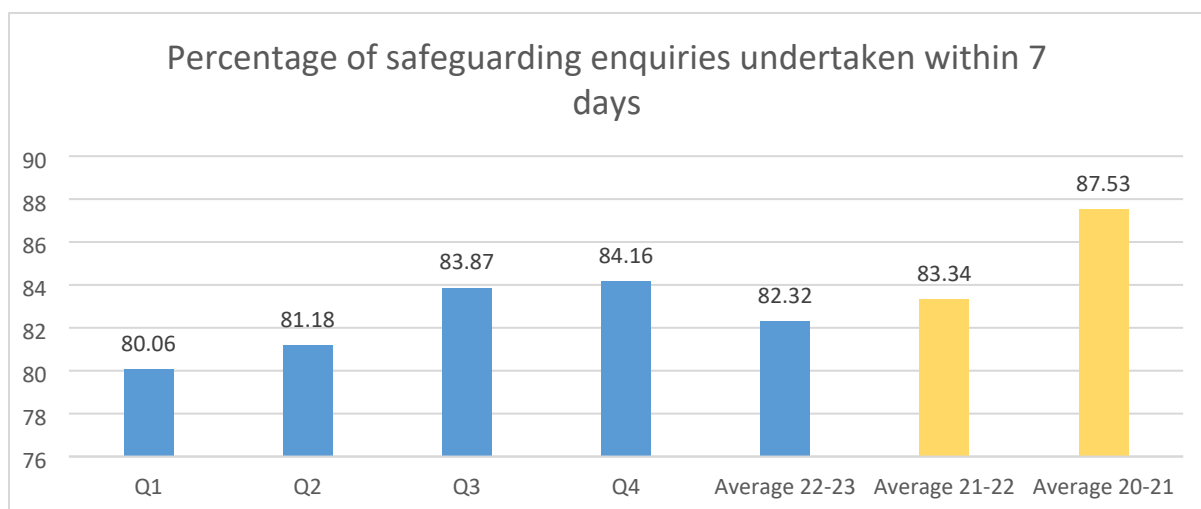


*Total Number of Safeguarding Enquiries undertaken= 1069*

When the local authority receives a safeguarding report, it must determine whether there is reasonable cause to suspect the adult is or may be at risk of abuse or neglect. If there is reasonable cause to suspect, the local authority has a legal duty to make safeguarding enquiries as set out in section 126 of the SSWB (Wales) Act 2014.

Of the **1897** safeguarding reports received, a total of **1069** (44%) were deemed appropriate to proceed to statutory enquiries (s126). Reports that do not proceed to an enquiry are supported in other ways or signposted appropriately.

### 3. Safeguarding enquiries (s126) undertaken within 7 days.

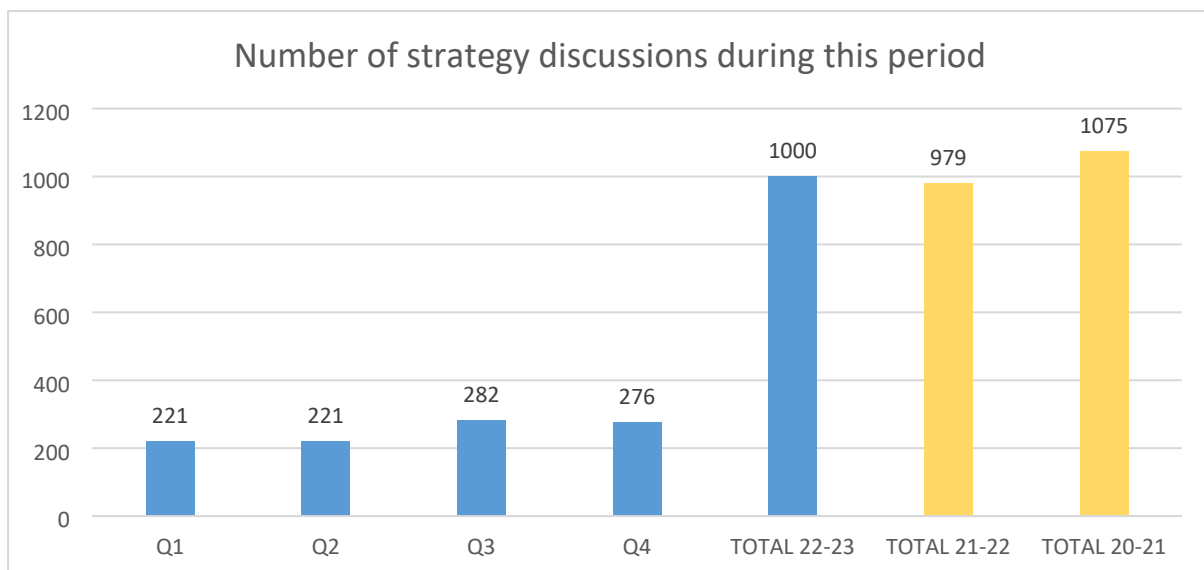


Statutory safeguarding guidance states that ***“safeguarding enquiries should normally be undertaken within 7 days; however, they should not be rushed”***.

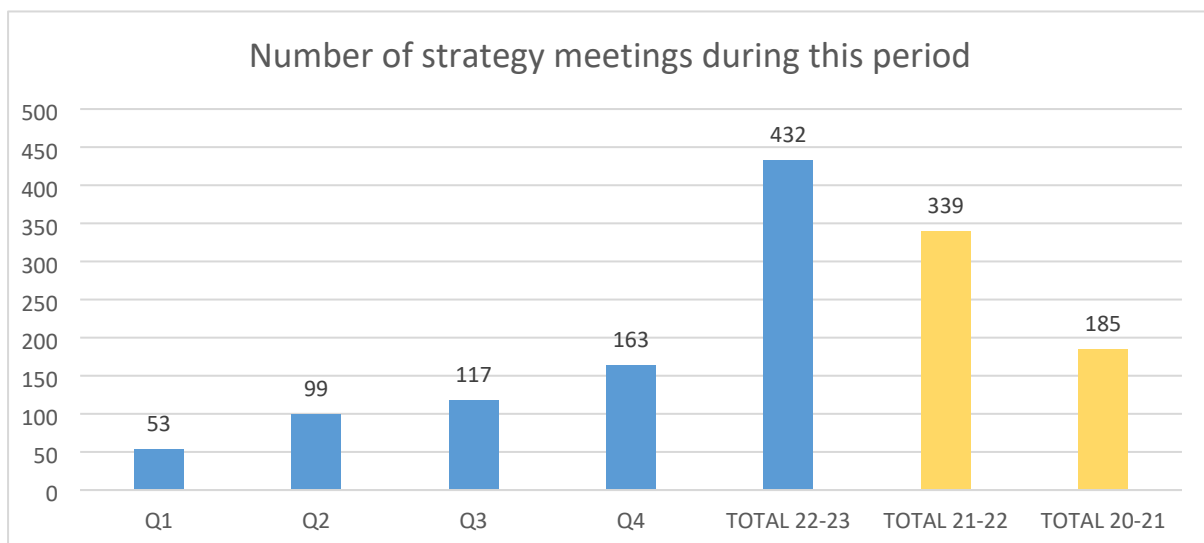
The number of enquiries undertaken (i.e. completed) within 7 days has decreased since 2020/21. Several factors contribute to the length of time enquiries take, e.g complexity of the situation, difficulty engaging with the individual, awaiting assistance or support from another agency. The local authority can delegate statutory enquiries to the most appropriate agency or practitioner, but it must monitor progress and timescales. A rationale is recorded for enquiries which extend the 7-day period. All safeguarding reports are screened and prioritised within 1 working day and enquiries are commenced promptly.

The regional average for completing enquiries within 7 days is 80% and the National average is 90%. It is evident from national and regional discussions that there are differences in the interpretation of the 7-day timescale requirements. During 2023/24 Carmarthenshire will lead on a regional analysis of this activity.

#### 4. Number of Safeguarding strategy discussions during this period



#### 5. Number of Safeguarding strategy meetings during this period



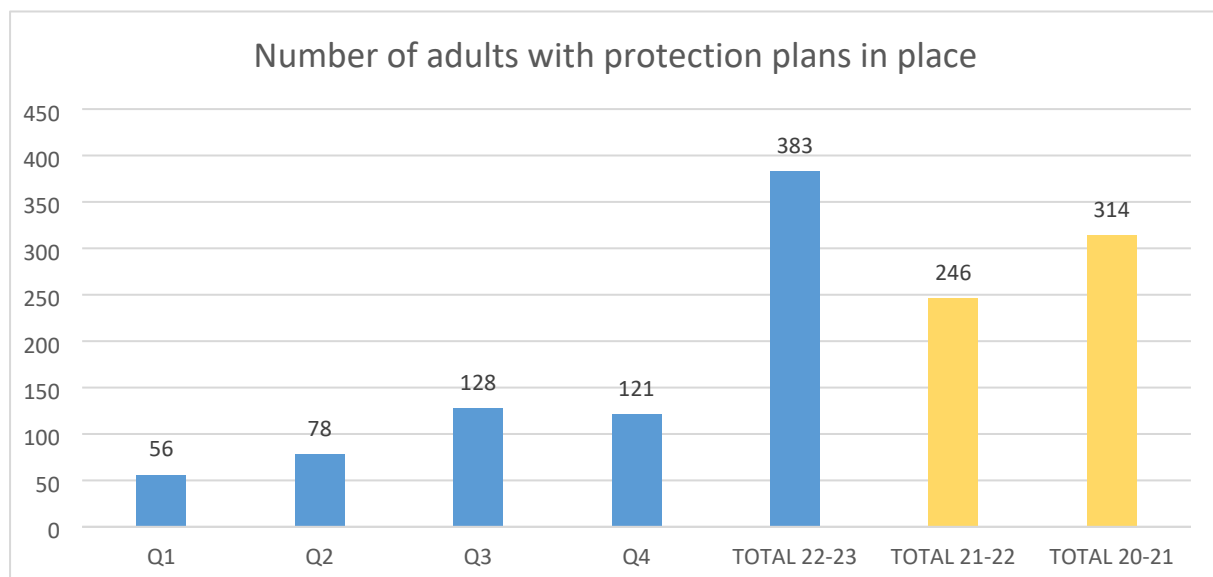
When a safeguarding report is received, it is sometimes necessary to share the concern with another agency or organisation. These discussions take place to consider the level of risk, identify immediate safeguarding actions and consider whether collaborative action is required. Not all safeguarding reports require the involvement of other agencies, e.g. if the concern does not relate to a criminal matter, it will not be discussed with the Police. The number of strategy discussions held is therefore dependent on the nature of the concern and the agencies needing to be involved.

Strategy meetings are normally held when the involvement of more than one other agency is required or when subsequent or ongoing action is required to manage risks. Carmarthenshire has excellent working relationships with partner agencies and has well established processes for communication and joint planning.

The number of strategy discussions and meetings held is not indicative of good or poor performance. The data for this indicator is captured upon closure of the intervention therefore, actual activity may be included in a future reporting data period.

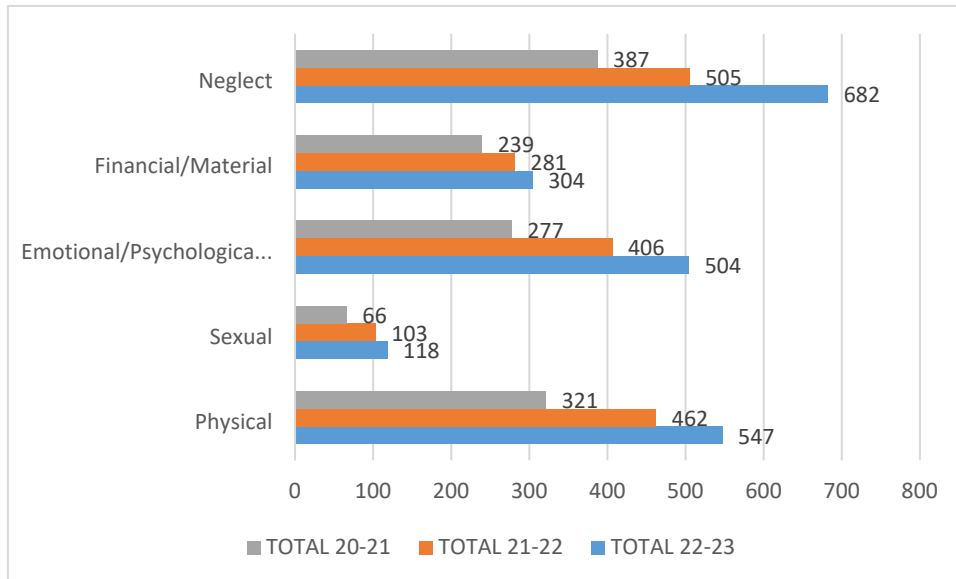
The use of remote meeting facilities initiated during the pandemic continues to significantly improve attendance at strategy discussions and meetings.

## 6. Number of people with Adult Protection Plans in place.



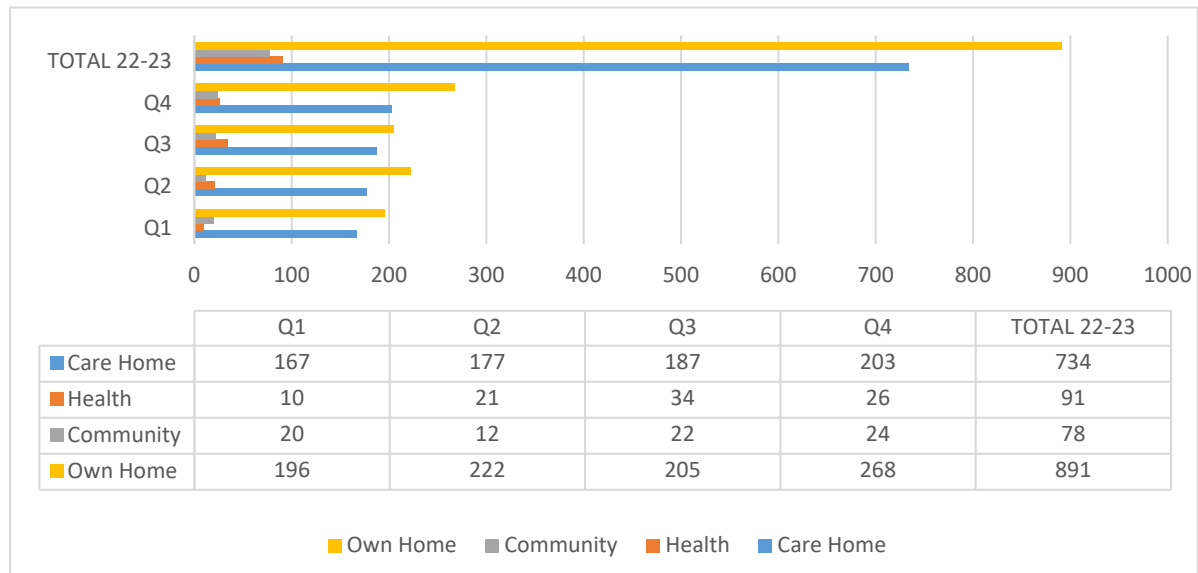
Whilst every safeguarding enquiry concludes with a plan to ensure the adult at risk is as safe as possible, this performance indicator reflects the number of formal safeguarding plans that have been agreed and integrated into the persons ongoing care and support plan. Again, this is not indicative of good or poor performance as it is dependent on the nature of the concerns received and the type of safeguarding action required.

## 7. Categories of concern



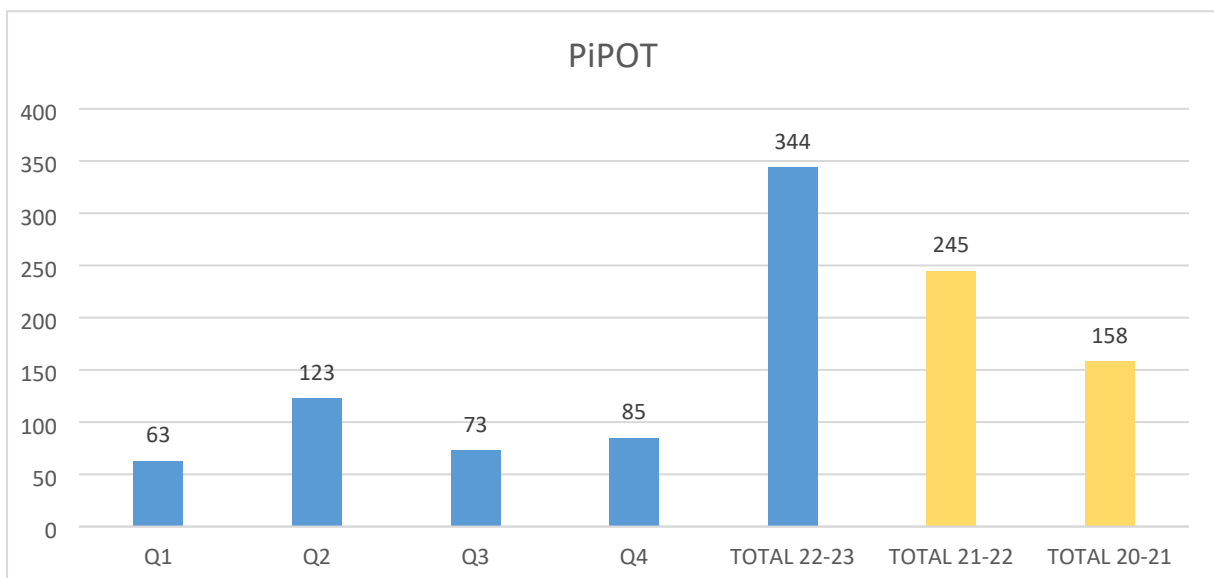
Neglect remains the highest category of concern reported. This is due mainly to its broad definition. The data shows that the type of concerns reported to the local authority in 2022/23 are consistent with previous years.

## 8. Place of concern



A person’s own home remains highest in relation to the place where the alleged concern occurred, followed by Care Homes. These trends are anticipated due to the large volume of care delivered in these settings. Practitioners working in these environments are familiar with their duty to report concerns to the local authority and do so appropriately. Many of the concerns reported do not amount to abuse or neglect and are often low-level incidents requiring an alternative solution (e.g. a one-off incident of a carer late for a home care visit). The high number of reports for these settings is evidence of a proactive approach to reporting to the local authority as required by law.

### 9. Number of allegations relating to Persons in a position of Trust- 2022/23



Each local authority has a duty to manage concerns or allegations about any person who works with children or adults with care or support needs, in either paid or unpaid roles. This is referred to as a Person in a Position of Trust (PiPOT). Managing concerns under these procedures applies when there is reasonable cause to believe a Person in a Position of Trust may have caused harm to a child or an adult with care and support needs, or when a concern indicates that a person may be unsuitable to work with children or adults with care or support needs.

The procedures apply to practitioners in any organisation who work with children or adults with care or support needs. Ongoing awareness raising in relation to the duty to report such concerns has contributed to the increased number of reports however, a lack of clarity in the Wales Safeguarding Procedures has also caused some confusion as to when the procedures should apply. Carmarthenshire will lead on a regional analysis of this work during 2023/24.

## **10. Deprivation of Liberty Safeguards (DoLS)**

The Deprivation of Liberty Safeguards (DoLS) are important human rights safeguards (Article 5). Care homes and hospitals should apply them where a person aged 18 or over does not have the mental capacity to consent to their care arrangements, and they need to be deprived of their liberty. A person is deemed to be deprived of liberty if they are under continuous supervision and control and not allowed to leave the place where they are being cared for. If the arrangements in place to keep a person safe are considered to be in their best interest they must be scrutinised and authorised “in accordance with a procedure set out by law”.

The Mental Capacity Act 2005, and DoLS Code of Practice sets out how Local Authorities and Health Boards in Wales must satisfy themselves that the deprivation of liberty is necessary, proportionate, least restrictive and in the person’s best interest. They must also ensure that the person has an appropriate advocate who can act on their behalf and challenge any disproportionate or unlawful deprivation of liberty.

In March 2014, a Supreme Court judgment [P v Cheshire West and Chester Council) effectively lowered the threshold for the Deprivation of Liberty Safeguards. The new threshold meant that a significant number of individuals living in residential homes, nursing homes and hospitals became eligible for the safeguards. The Local authority has the statutory responsibility for arranging the DoLS assessments in Care Homes and authorising the Deprivation of Liberty if appropriate. The assessments (6 in total) must be carried out by appropriately qualified practitioners, one of which must be a section 12 approved doctor.



The impact of the Supreme Court judgement triggered a sharp rise in demand for DoLS authorisations, and without additional resources resulted in an accrual of applications awaiting assessments and created a risk of individuals deprived of liberty without lawful scrutiny and authorisation. This situation was replicated across almost all local authorities in Wales and England. Managing the resulting demand has been a significant challenge for all Local Authorities and Health Boards since the judgement.

Considering the ongoing challenges, the Deprivation of Liberty Safeguards (DoLS) have since been deemed “not fit for purpose” due in part to the requirement to disproportionately reassess people on an annual basis when it is not likely that their circumstances will change. After much consultation the existing DoLS arrangements are scheduled to be replaced by new legislation and renamed the **Liberty Protection Safeguards (LPS)**. The initial date for introducing LPS was October 2020 however, this date has changed several times, and a new confirmed date has yet to be announced.

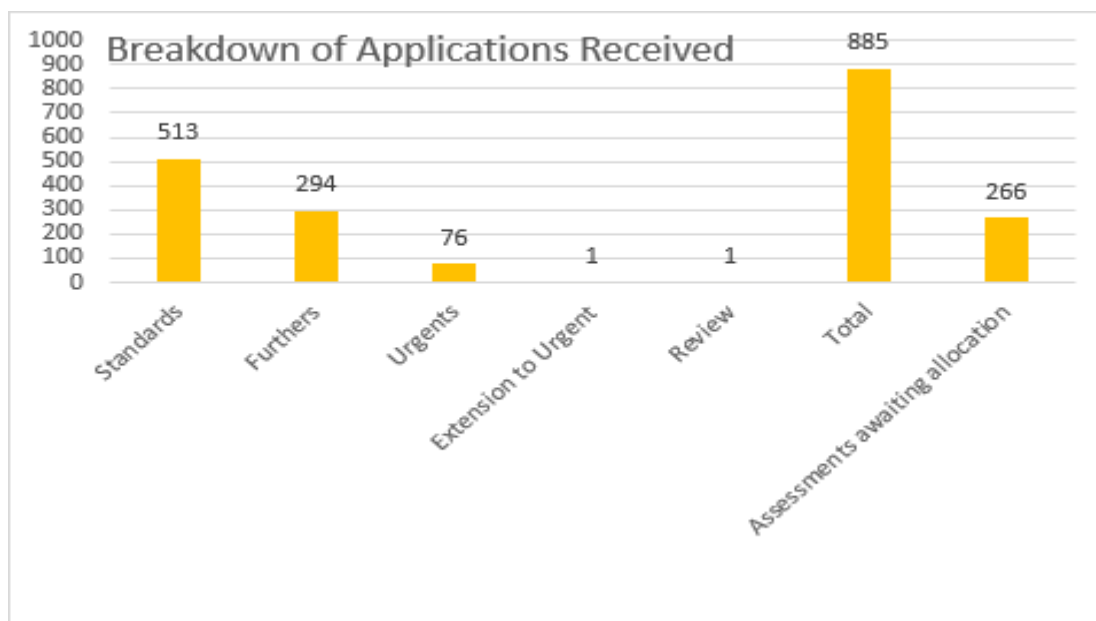
## **11. Liberty Protection Safeguards (LPS)**

The new Liberty Protection Safeguards will include some significant changes however, most notable is that the safeguards extend beyond individuals residing in care home/hospital settings and will also apply to deprivations of liberty in the community. This includes, **supported living settings, shared lives arrangements and in a person’s own/family home.**

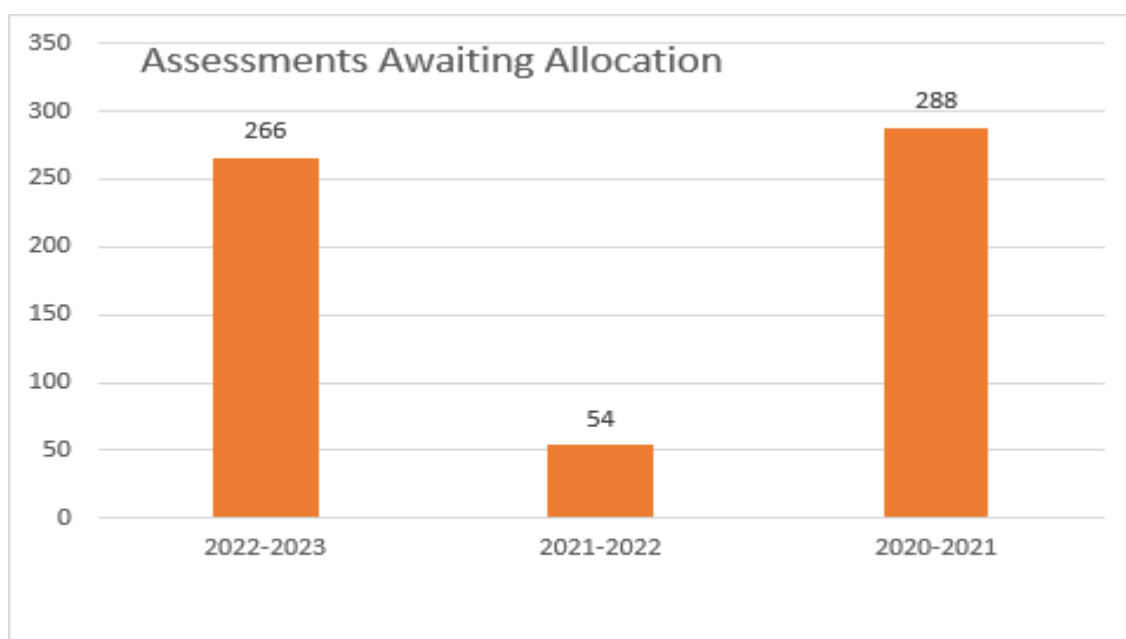
The Liberty Protection Safeguards will also **apply to 16- and 17-year-olds** and therefore applicable to deprivations of liberty which occur in **special needs schools, the family home, children's homes, and foster placements.** In addition, it includes deprivations of liberty which do not relate to specific residences such as, **during transportation and at day services.**

In preparation for the Liberty Protection Safeguards, Welsh Government has provided additional funding to all local authorities in Wales to address demand. Whilst the funding has been welcomed and significant, the amount allocated in 2022/23 was less than in 2021/22. Carmarthenshire council continues to utilise the funding received effectively to minimise the number of assessments awaiting allocation and authorisation. This has included the appointment of an additional Best Interest Assessor and externally commissioned assessments.

## 12. Performance Data

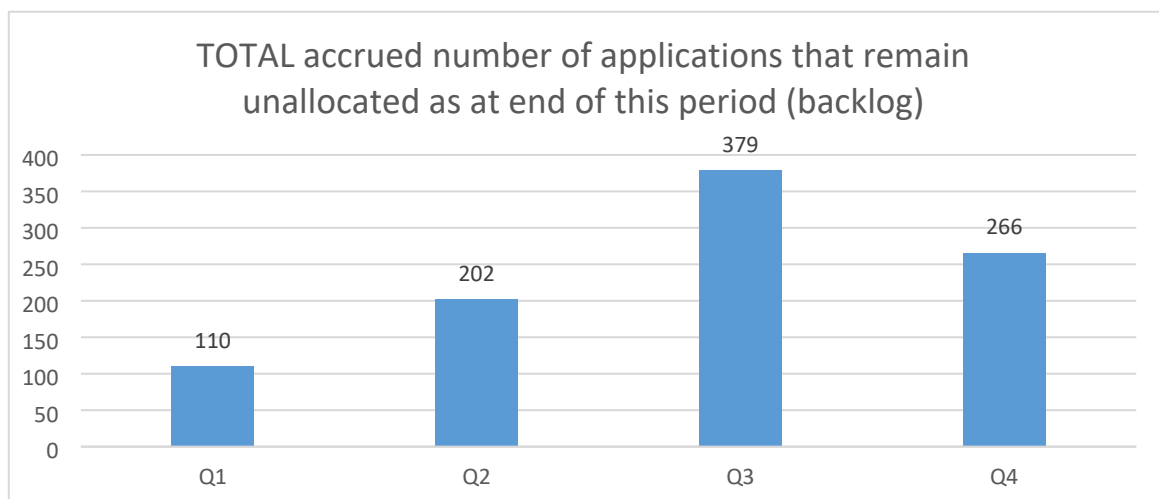


There are three types of DoLS application received. A “standard authorisation” which requires assessment within 21 days, a “renewal or further authorisation” which also requires assessment within 21 days and a “standard (urgent) authorisation” which requires assessment within 7 days. In addition, a request can be made to extend an urgent authorisation and requests can be made to review the current authorisation.



The number of assessments awaiting allocation at the end of 2022/23 was 266. This is significantly higher than in 2021/22 due to the change in Welsh Government funding.

The number of DoLS applications received since 2020 has increased year on year which correlates with the number of people moving into care homes during these periods. The impact of the Covid pandemic meant that fewer people moved into Care homes and fewer DoLS applications were received.



The data above evidences the volume of assessments completed in the latter part of 2022/23 which has resulted from the funding cycle and number of renewal authorisations submitted in the Q3 period. It is anticipated that ongoing funding will be provided by Welsh Government in 2023/24.

### Regional DoLS Forum

Carmarthenshire County council established the Mid and West Wales Regional DoLS Forum in 2017. This forum includes Carmarthenshire, Powys, Ceredigion and Pembrokeshire County Council and Hywel Dda and Powys Teaching Health Board. The partners ensure a collaborative approach to achieving high standards and consistency in the application of the Deprivation of Liberty Safeguards regionally and works closely to communicate with Welsh Government, respond to consultation and influence national service improvements. Considering the above announcement this group will work closely to ensure necessary improvements are made to the way in which the DoLS assessments are undertaken.

### **13. DoLS team**

The DoLS team, comprises of three experienced best interest assessors all of whom are fluent Welsh speakers. The use of the Welsh language is extremely important in the context of these assessments as it is extremely important to fully understand the persons views and wishes regarding care and accommodation and critical in the assessment of mental capacity. The assessor's role is to determine whether any existing or planned deprivation of liberty is in the detained persons best interest, necessary to prevent harm and is a proportionate response to the likelihood and seriousness of that harm. The team is committed to ensuring the rights of the individual is upheld and continuously access training opportunities to ensure their skills and knowledge remain up to date. The assessors report directly to the safeguarding and DoLS Team manager.

Shortly after completing this report, the following announcement was received from the Department of Health and .....

***“The UK Government has announced their intention to step away from the introduction of the Liberty Protection Safeguards (the LPS) and the implementation of the Mental Capacity (Amendment) Act 2019 (the 2019 Act). UK Government has confirmed that the necessary legislation to implement the LPS will not be brought forward within this Parliament”.***

5<sup>th</sup> April 2023