

Adult Safeguarding and Deprivation of Liberty Safeguards (DoLS)

Annual Report
2020-21

The Social Services and Well-being (Wales) Act 2014 (SSWBA) placed adult safeguarding on a statutory footing and introduced a strong, partnership approach to ensuring adults (with care and support needs) are protected from abuse or neglect. The Act established a National Independent Safeguarding Board and 6 Regional Safeguarding Boards. Carmarthenshire County Council is part of the Mid and West Wales Regional Safeguarding Board.

Adult Safeguarding - National context

The National Independent Safeguarding Board was established under the SSWBA 2014 and 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

In 2019/20 the National Independent Safeguarding Board launched the new Wales Safeguarding Procedures and made five recommendations to the Welsh Ministers in its annual report. Please see full report below.

<https://safeguardingboard.wales/2020/11/30/annual-report-2019-20/>

Adult Safeguarding - Regional context

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) which are overseen by a combined regional board which meets on a quarterly basis.

The board is well organised and collaborative and has achieved a great deal through its successful joint working arrangements. This was clearly evidenced by the work undertaken during the Covid-19 pandemic when weekly meetings involving all partner agencies were promptly convened to ensure all agencies shared relevant information, identified risks, and responded appropriately.

In addition to meeting the needs of children and adults within the Mid and West Wales region, the board ensures regional compliance with national legislation and policy. For more information, please see the latest information on the Mid and West Wales Regional Board Website: <http://cysur.wales/home>

Carmarthenshire County Council continues to make a significant contribution to the work of the Regional Safeguarding Board and takes a lead role in several of its associated subgroups. Carmarthenshire plays an instrumental role in progressing key initiatives and developing new policies and procedures. Carmarthenshire's Director of Communities is chair of the Children's regional workstream (CYSUR) and joint chair of the quarterly Regional Safeguarding Board meetings.

Adult Safeguarding- local context

The national and regional arrangements continue to support and strengthen Carmarthenshire's ongoing local commitment to safeguarding its citizens from abuse or neglect. This includes embedding an "everybody's responsibility" approach to keeping people safe. This is emphasised in the Safeguarding training routinely offered to internal and external staff.

The Carmarthenshire Local Safeguarding Operational Group which meets quarterly, further evidences the continued commitment of all local agencies to work together to improve safeguarding arrangements within the county. This group is chaired jointly by the Head of Children's and Adult services and continued to operate throughout 2020/21. and focuses on seeking solutions to multi agency operational challenges.

During the past year the Carmarthenshire Adult Safeguarding team with support from internal and external partners, continued to analyse and improve its safeguarding processes to ensure compliance with statutory duties and to ensure good outcomes for adults at risk. This has been done, not only as a natural process of continuous improvement but also in response to statutory

and non-statutory guidance. Carmarthenshire County Council continues to maintain robust and effective adult safeguarding arrangements which were not compromised during the global pandemic, during which time appropriately risk assessed face to face visits to adults at risk continued.

An all-Wales assurance check undertaken by Care Inspectorate Wales in February 2021 provided positive feedback in all areas including adult safeguarding.

From the files we reviewed, we found safeguarding enquiries and investigations conducted in line with statutory requirements. Strategy meetings and discussions were effective and involved relevant agencies. We found good analysis of risk, protection plans in place and action taken where necessary.

Providers and partners said they were supported by adult the adult safeguarding team: their willingness to offer advice, guidance and assist with training social care staff was acknowledged.

In addition, an internal audit of adult safeguarding enquiries (front door) procedures undertaken in June 2021 provided a high assurance rating and concluded the following:

- Good controls consistently applied
- Low risk of not meeting objectives
- Low risk of fraud, negligence, loss, damage to reputation

Please see full report below.



Final Report - Front
Door Safeguarding

Carmarthenshire county council has implemented the new Wales Safeguarding Procedures and delivered several awareness raising sessions on behalf of the Regional Safeguarding Board. The safeguarding team have also delivered regular local themed safeguarding training sessions and surgery sessions for practitioners which is ongoing.

Safeguarding Enquiry Process

Undertaking initial enquiries is a fundamental part of the safeguarding process and key to identifying early solutions to potentially abusive or neglectful situations. The Social services and Well-being Act together with its associated

guidance and procedures, sets out the expectations on Local Authorities as the responsible statutory organisation.

Initial safeguarding enquiries (s126) are expected to be undertaken within 7 days however, it is important they are not rushed. Responsibility for the enquiry can be delegated to another, more appropriate organisation however, the prescribed timescales still apply, and overall responsibility remains with the local authority. Ensuring the timescales are met for delegated enquiries remains challenging particularly at the height of the pandemic when staff resources within many organisations were depleted or deployed to critical frontline services

Enquiries (Duty) Officer Role

The introduction of the dedicated adult safeguarding enquiries (duty) officer role continues to be an effective use of resources. This role is dedicated to screening and assessing safeguarding reports received by the local authority enabling the officer to take responsive action if necessary. This often involves visiting the adult at risk where appropriate, after which the officer will decide what action, if any, is necessary to make the person as safe as possible.

The officers occupying this role have developed excellent working relationships with partner agencies, in particular Dyfed Powys Police who they work closely with daily. Due to the increased number of safeguarding reports and our commitment to ensuring comprehensive enquiries are undertaken, the team will pilot the deployment of a third officer to this role in September 2021. This will be resourced from within the current team structure.

The Adult Safeguarding Team

The safeguarding team structure comprises of six senior safeguarding officers (one of which is a new additional post, currently out to advert), four of whom are fluent Welsh speakers. Two of the six team members are dedicated to undertaking safeguarding enquiries (duty officer) as per the Social Services and well-being Act 2014, and the remaining four undertake safeguarding investigations. The team have significant experience having worked in adult Safeguarding for many years. The operational team manager post for Safeguarding and DoLS is currently vacant however, expressions of interest have been received from within the team for an acting role whilst the post is advertised on a permanent basis. The team is led by a senior manager with strategic and regional responsibilities as well managing Carmarthenshire's

Channel arrangements (early support for individuals vulnerable to being drawn into terrorism) and Violence against Women, Domestic Abuse and Sexual Violence (VAWDASV).

The team work closely with all partner agencies to fulfil the local authority's statutory responsibilities. This ensures the most appropriate action is taken at the right time to safeguard individuals at risk. The safeguarding team are also responsible for responding to concerns which relate to the actions or inactions of persons in a position of trust who work with adults with care and support needs.

As part of their work, the safeguarding team 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 Multi Agency Public Protection Arrangements (MAPPA) meetings in relation to individuals who present a risk to the public.

The safeguarding team continue to undertake regular training which is appropriate to their roles and 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. There is a shared commitment to delivering excellent service standards within the team and achieving good outcomes for adults at risk.

Person Centred safeguarding

The new 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. Whilst still important, there is now far less emphasis on the alleged perpetrator and investigations and more on seeking solutions and achieving good outcomes for the individual adult at risk. Carmarthenshire County council has been changing practice to reflect the new way of working since the implementation of the Social Services and Well-Being (Wales) Act in 2016.

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 risks from their perspective. Solutions are based on the desired outcomes of the person and appropriately supported

by professionals involved. These visits have continued throughout the pandemic.

Audits/Inspections

Regular audits and inspections are an integral part of the safeguarding team's 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 to ensure improvement opportunities and areas of inconsistency are identified and addressed.

The safeguarding team work closely with our contracting and commissioning colleagues on a daily basis, exchanging information and responding to concerns in relation to commissioned services, eg residential care homes. Both teams also arrange structured bi-monthly meetings to consolidate actions taken and share information on matters such as emerging concerns and changes in legislation or practice. Both teams report the benefit and constructive nature of these meetings. For continuity the safeguarding officers work with specific service providers which enables them to identify patterns or trends which are addressed collaboratively with the provider, commissioners, Care Inspectorate Wales and other appropriate partner agencies.

Adult Protection Support Orders (APSO)

The Social Services and Well-being (Wales) Act 2014 saw the introduction of 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 to establish whether they are making decisions freely, to assess whether the person is an adult at risk and establish if any action should be taken.

The use of such orders is rare with only two applications made since the implementation of the SSWB Act in 2016. However, in December 2020 Carmarthenshire adult safeguarding team felt it necessary to apply to the Magistrates Court for an APSO in response to a particular concern. This was successfully granted and used appropriately with support from legal services and Dyfed Powys Police.

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 will be to identify if there is any learning for future practice and to promote future improvements in relation to inter-agency adult protection practice. A learning event will be held and attended by professionals who were involved with the adult and/or family.

Carmarthenshire Adult services currently have one current Adult Practice Review in progress.

Multi Agency Professional Forum (MAPF)

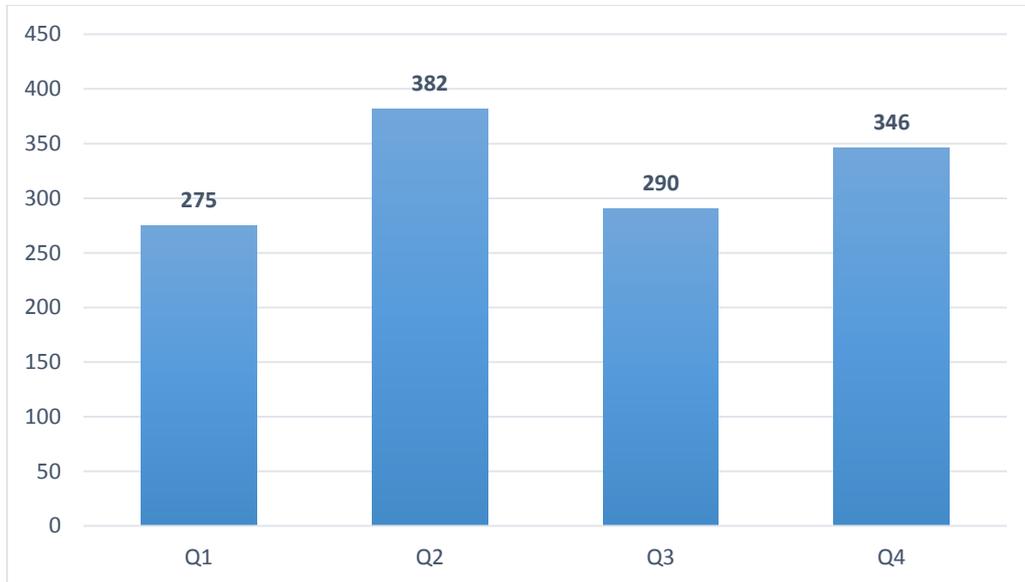
A Multi Agency Professional Forum can be held when the circumstances do not meet the criteria for an Adult Practice however, learning opportunities have been identified. The MAPF is another mechanism for identifying organisational learning, improving the quality of work with families and strengthening the ability of services to keep people safe. During 2021 Carmarthenshire County Council facilitated one MAPF learning event with three events pending. The delay is attributable in part to the impact of the Covid-19 pandemic.

Performance data

Safeguarding performance measures are set by and reported to Welsh Government on an annual basis and to the Regional Safeguarding Board quarterly. This data enables us to ensure adequate resources are in place to respond and to identify patterns and trends which influence our future prevention and protection strategies.

Safeguarding performance data

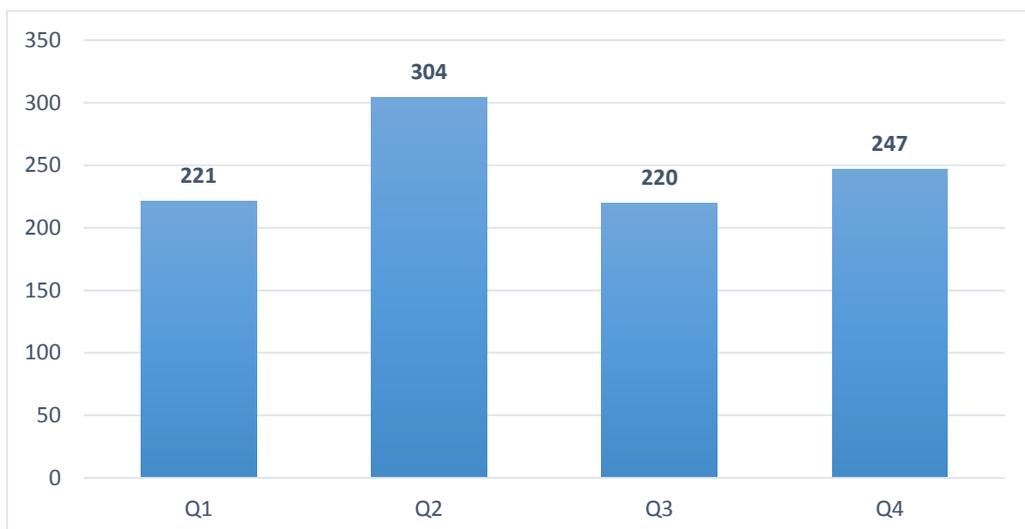
1. Number of reports of an adult suspected of being at risk received during the period



2020/21 Total = 1293

Carmarthenshire adult services received an average of 107 safeguarding reports each month during 2020/21. This does not include concerns relating to people in a position of trust and does not reflect the total number of contacts received by the safeguarding team.

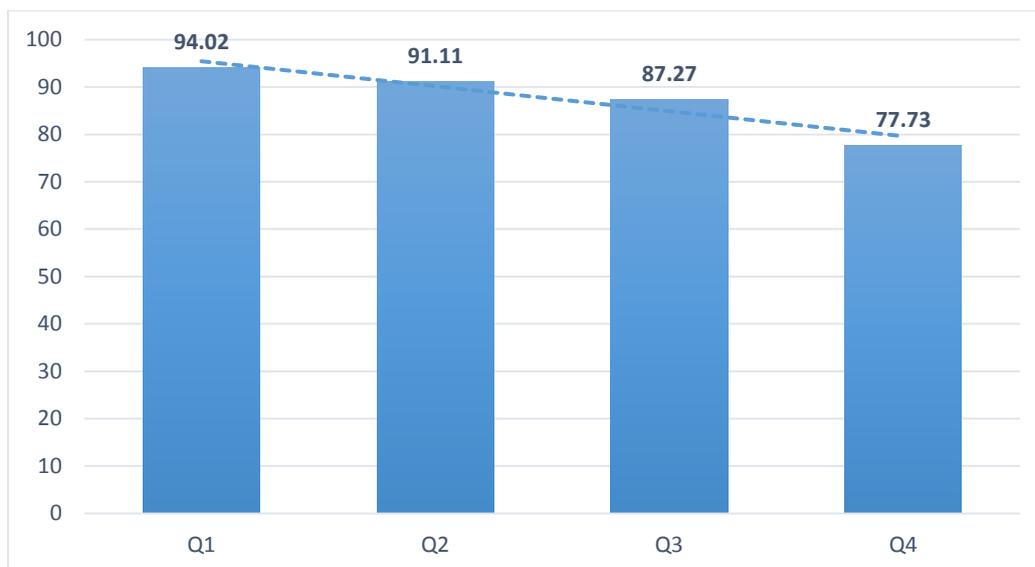
2. Number of safeguarding reports that led to an enquiry



Total Number of Safeguarding Enquiries undertaken= 992

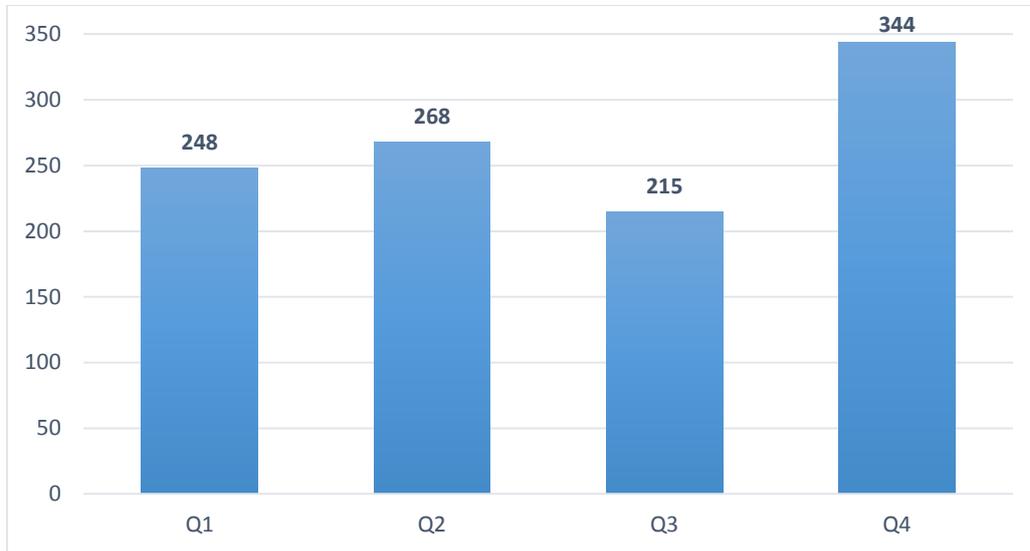
When the local authority has reasonable cause to suspect and adult is, or may be at risk of abuse or neglect, it has a duty to make safeguarding enquiries. In 2020/21, **76.7%** of safeguarding reports received were deemed appropriate to proceed to an enquiry (s126). This number is lower than in 2019/ 20 due largely to the work of the safeguarding duty officers take time to establish the facts of the report before proceeding to statutory enquiries.

3. number of safeguarding enquiries undertaken in 7 days



The number of enquiries undertaken within 7 days has been decreasing throughout 2020/21. Statutory guidance states that “***safeguarding enquiries should normally be undertaken within 7 days; however, they should not be rushed***”. Several factors have contributed to this downward trend including a change in reporting which captures the length of time taken more accurately, complex situations requiring detailed enquiries and the lack of availability of staff in partner agencies during the pandemic, i.e., staff deployed to other areas, sickness, and self-isolation. We do anticipate that this position will be improved upon this year. It is also important to note that from the local authority perspective, all safeguarding reports are screened and prioritised within 1 working day and staffing within the safeguarding team during the pandemic has remained stable.

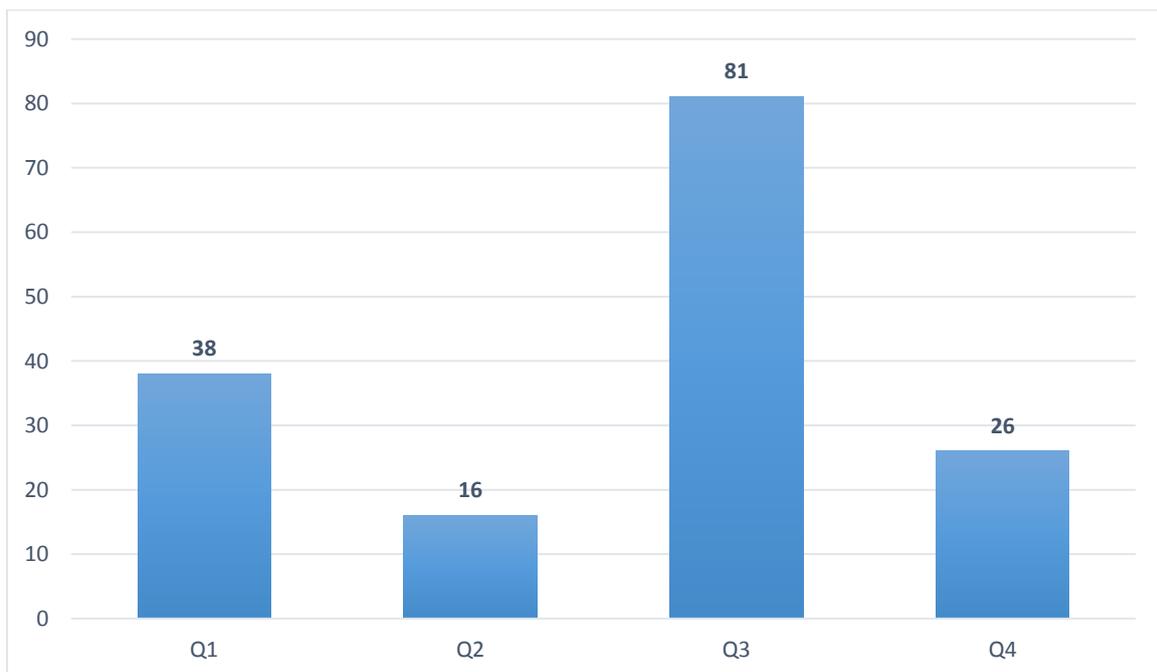
4. Number of strategy discussions during this period



Total = 1075

This PI reflects the number of strategy discussions held with Dyfed Powys Police or other partner agencies as part of safeguarding enquiries. Strategy discussions allow the local authority and partner agencies to identify situations which require collaborative intervention.

5. Number of strategy meetings during this period

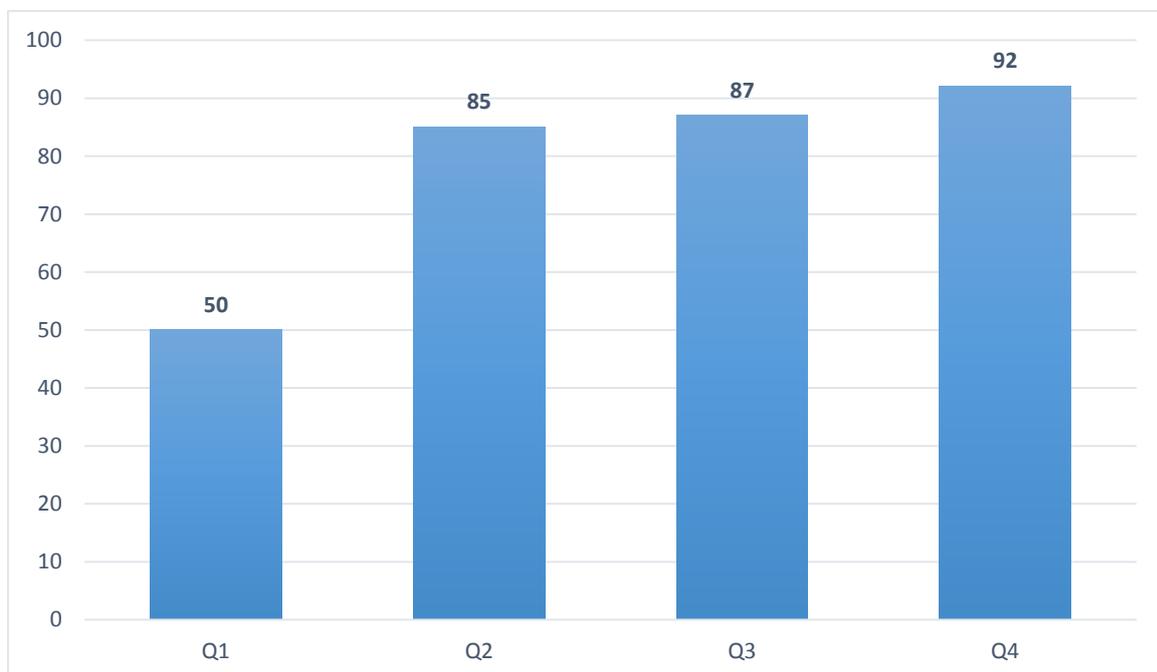


This PI is not indicative of good or poor performance. The number of strategy meetings held is dependent on several factors including the complexity of the case, ie some cases may require several strategy meetings and others may require none.

This data is captured upon closure of the intervention, therefore not a reflection of the actual strategy meeting activity occurring in each period.

A case cleansing exercise was undertaken in Q4 in preparation for the Local Authority's migration to the new Eclipse data management system.

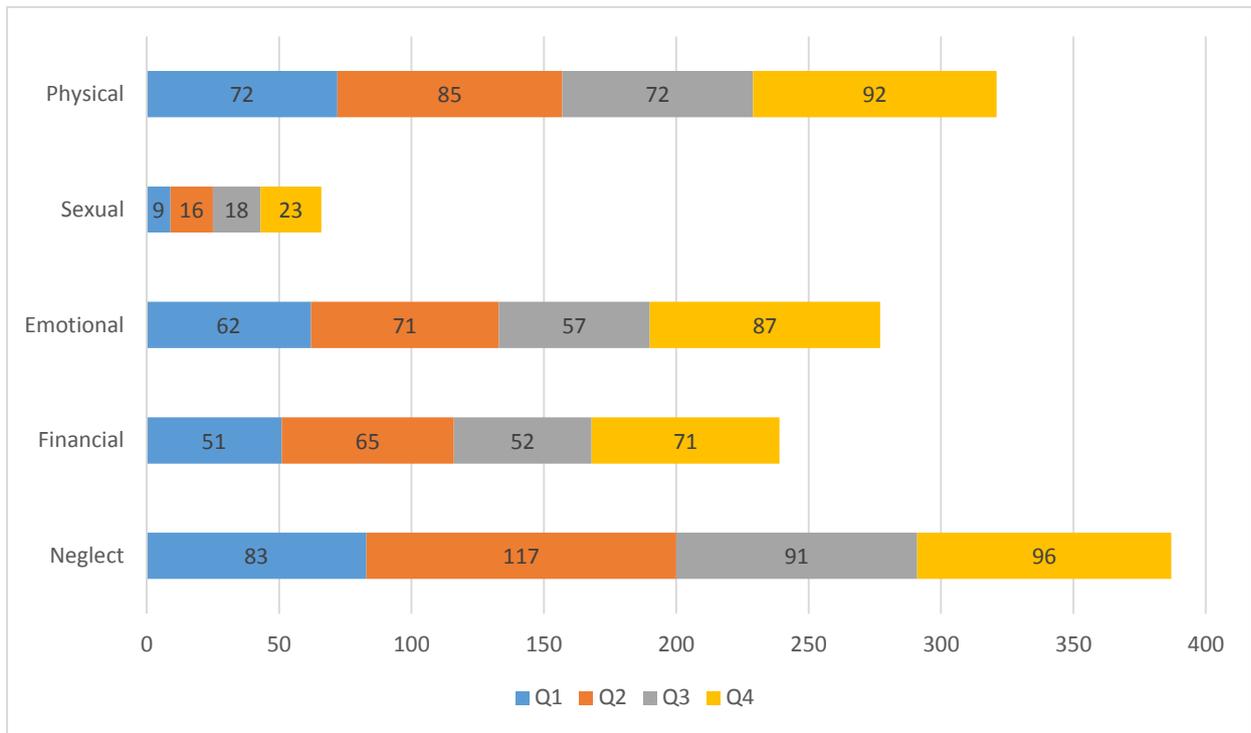
6. Number of adults with protection plans in place



Total = 314

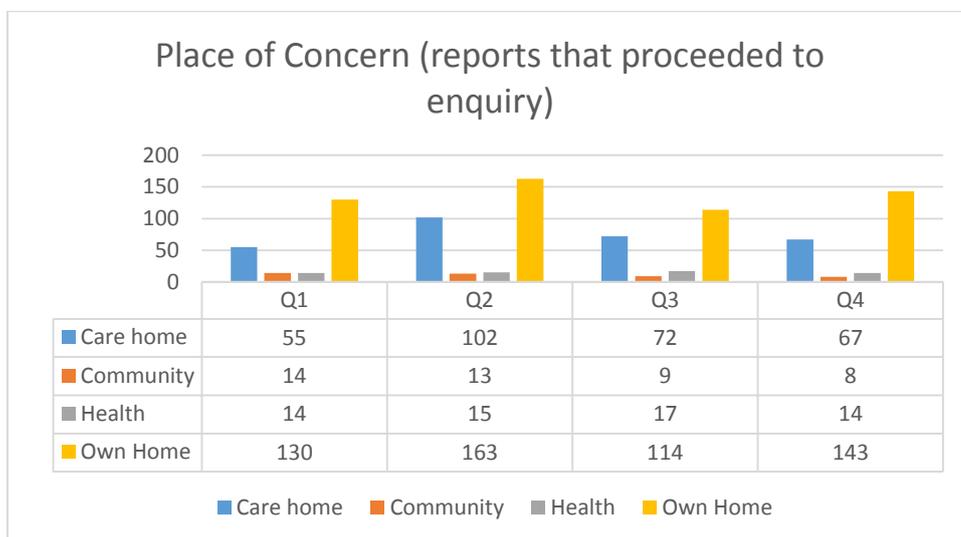
Whilst every safeguarding enquiry concludes with a plan to ensure the adult at risk is protected, this PI reflects the number of detailed safeguarding plans integrated into the persons ongoing care and support plan.

7. Categories of concern



Category	2020/21 Total
Neglect	387
Financial	239
Emotional/Psychological	277
Sexual	66
Physical	321
TOTAL	1290

8. Place of concern



A persons own home remains highest in relation to the place where the concern occurred followed by Care homes. These trends are expected due to the delivery of care in these settings.

9. Number of professional concerns 2020/21 (Person in apposition of Trust)

Q1	23
Q2	40
Q3	40
Q4	39
Total	142

These concerns relate to the actions or inactions of people in a position of trust who are cited in a safeguarding concern or behaving in a way that brings into question their suitability to work with adults with care and support needs.

Deprivation of Liberty Safeguards (DoLS)

Article 5, Human Rights Act 1998 states that “everyone has the right to liberty and security of person”. However, there are some instances where it is in a person’s best interest to be deprived of liberty, for example, to provide appropriate care and support to a person unable to care for themselves **and** who is lacking mental capacity to consent to the arrangements in place to keep them safe from harm. In these circumstances the arrangements considered to be in the persons best interest must be scrutinised and authorised “in accordance with a procedure set out by law”.

The procedure set out in law is detailed in the **Mental Capacity Act 2005 amendment- Deprivation of Liberty Safeguards (DoLS)** which prescribes how the Local Authority/Health Board must satisfy itself that the deprivation of liberty is necessary, proportionate, least restrictive and in the person’s best interest. It also ensures 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; P& Q v Surrey County Council] effectively lowered the threshold for the Deprivation of Liberty Safeguards. The new threshold meant that a significant number of individuals residing in residential homes, nursing homes and hospitals became eligible for the safeguards. The Local authority has the statutory responsibility for the DoLS assessments and authorisations for individuals living in residential and nursing homes.

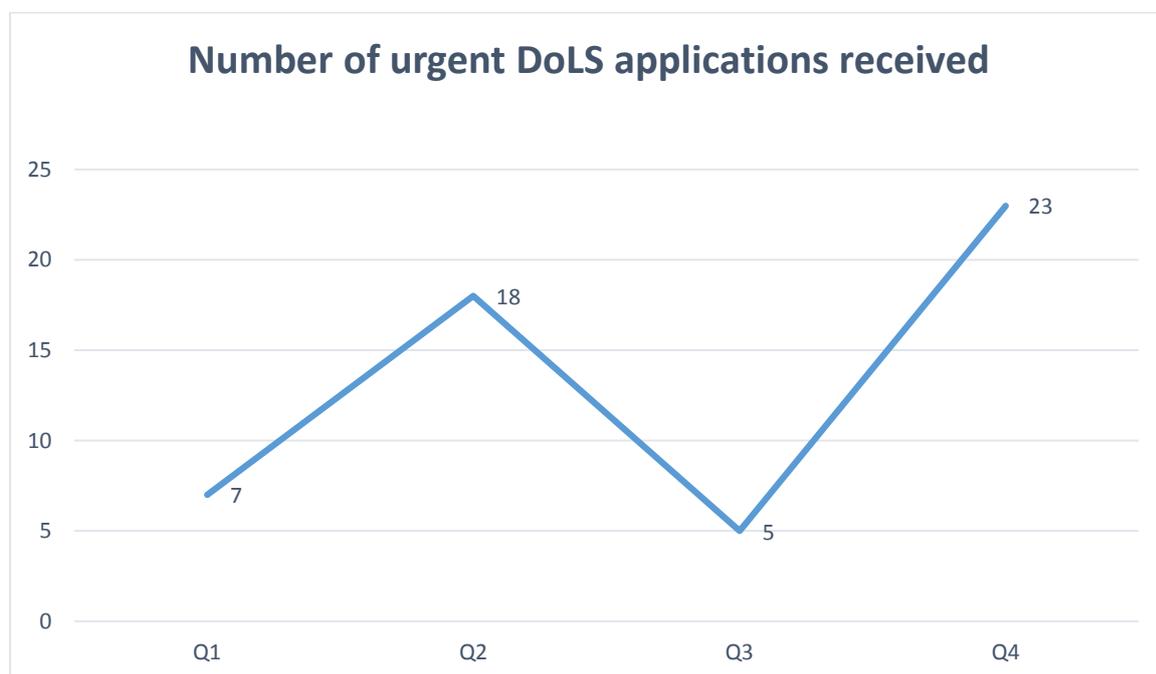
The sharp rise in demand for DoLS assessments, without additional resources resulted in an accrual of applications pending and the potential risk of individuals being deprived of liberty without lawful scrutiny and authorisation. This situation is replicated across almost all local authorities in Wales and England.

Impact of COVID-19 Pandemic

The global pandemic had a significant impact on Care homes in Wales and visiting restrictions were put in place at an early stage however, the local authority statutory duty to undertake assessments for DoLS remained in place. As a result, alternative methods for assessment were implemented such as remote assessments and use of historical records. Regional and National guidance supported these approaches however, it presented numerous challenges such as, internet quality, availability of remote devices, and not least some residents unfamiliarity and confusion with this method of communication.

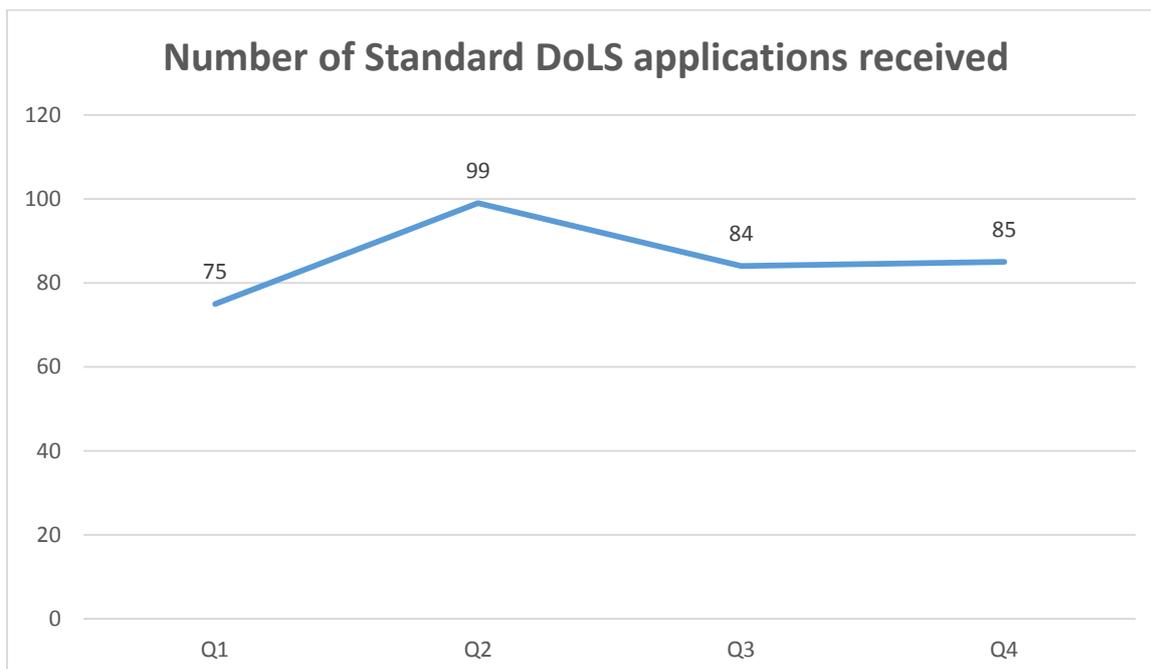
There are two types of DoLS application, a standard which requires assessment within 21 days, and a standard with an urgent which requires assessment within 7 days.

Deprivation of Liberty Safeguards (DoLS) Performance Data



Total = 53 urgent applications received

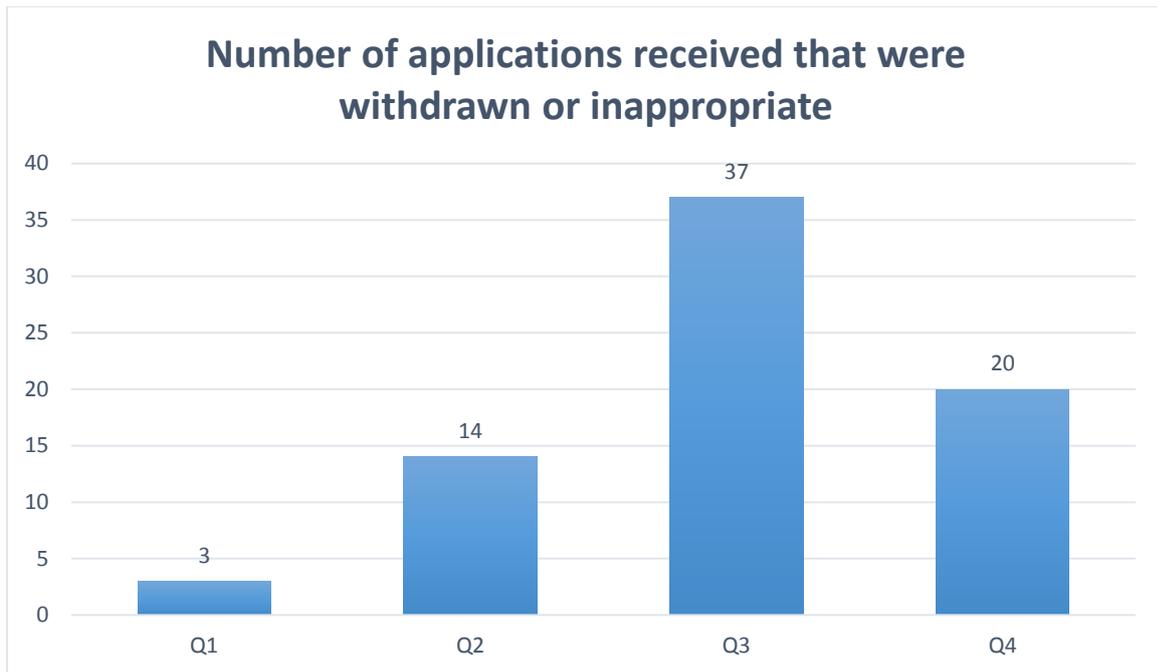
	Q1	Q2	Q3	Q4
% of Urgent authorisations received that were completed within 7 days of receipt	0%	17%	20%	33%



Total = 343 standard applications received

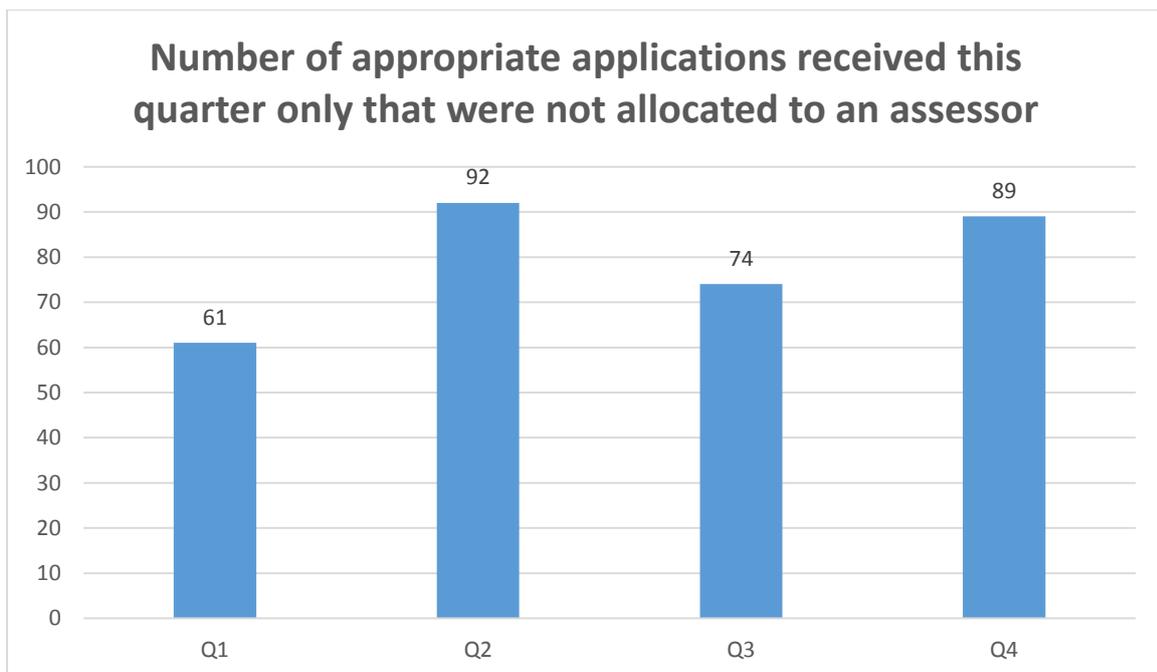
	Q1	Q2	Q3	Q4
% of Standard authorisations that were completed within 21 days of allocation	3%	22%	38%	49%

The figures above are indicative of the challenges experienced in 2020/21, for example, access to care homes/ care home information and availability of qualified assessors. Carmarthenshire County Councils ability to complete DoLS assessments remotely improved throughout each reporting period.



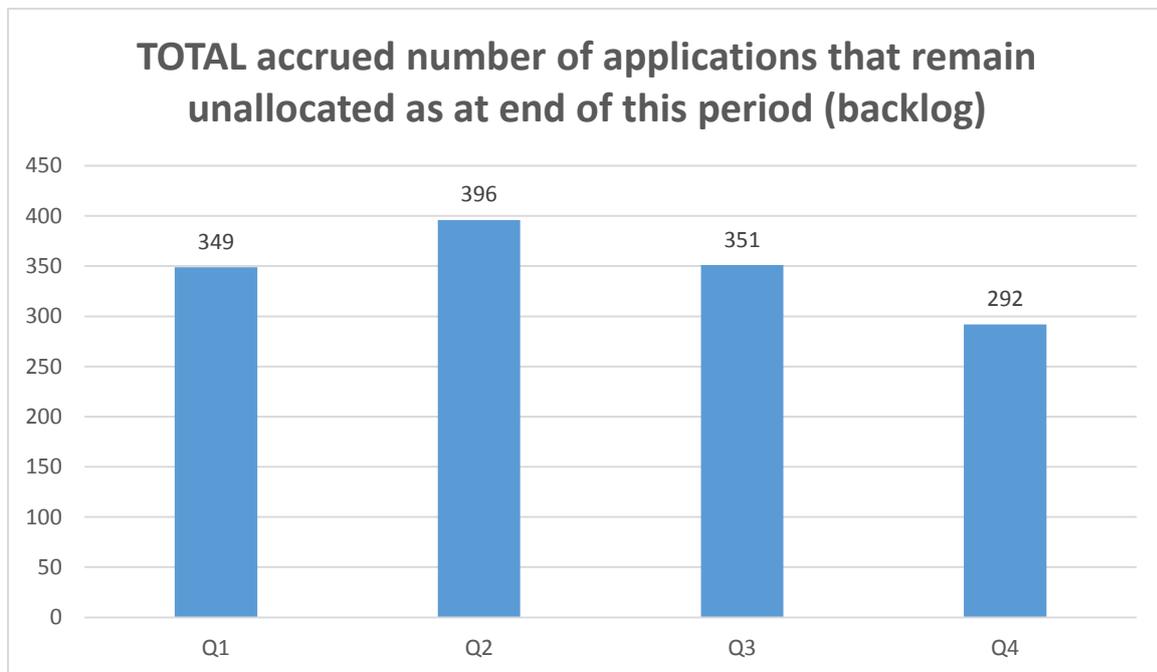
Total = 74

Applications are often withdrawn due to the death of a resident. Inappropriate applications include applications which do not meet the criteria for the safeguards.



Total = 316

As result of the increased demand since 2014 most local authorities in Wales and England are unable to respond to all applications received. A robust prioritisation mechanism is in place to ensure the most urgent and appropriate applications are allocated for assessment.



Liberty Protection Safeguards (LPS)

The existing Deprivation of Liberty Safeguards (DoLS) have been deemed “not fit for purpose” for several reasons and will be replaced by the new **Liberty Protection Safeguards (LPS)**. The new safeguards were due for implementation in October 2020 however this has been delayed and will now come into effect on **1st April 2022**.

The new safeguards will include some significant changes however, most notable to consider at this point 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 etc.**

In addition, it includes deprivations of liberty which do not relate to specific residences such as, **during transportation and at day services.**

A new code of practice for Liberty Protection Safeguards is due to be circulated for consultation. The detail contained within the code will inform the resources and processes required for implementation.

In preparation for the implementation of Liberty Protection Safeguards, the Mid and West Wales region (Carmarthenshire, Pembrokeshire, Ceredigion and Powys) have agreed to undertake a scoping exercise which aims to obtain an informed estimate of how many people are currently being cared for in a way that amounts to a deprivation of their liberty, and which entitles them to the safeguards set out in law. This exercise will help predict demand for LPS authorisations and any associated training/resource implications.