

# Adult Safeguarding and Deprivation of Liberty Safeguards (DoLS)

Annual Report  
2021-22



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The Social Services and Well-being (Wales) Act 2014 (SSWBA) placed adult safeguarding on a statutory footing for the first time and introduced a strong, partnership approach to ensuring adults (with care and support needs) are protected from abuse or neglect. Safeguarding duties are set out in Part 7 of the SSWB (Wales) Act 2014 and supported by statutory guidance.

To further strengthen safeguarding arrangements in Wales, the Act established a National Independent Safeguarding Board and six 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

The National Independent Safeguarding Board is now well established and continues to work closely with Welsh Government and the six Regional Safeguarding Boards. Please see below link to the National Independent safeguarding Board website which includes the 2021-22 annual report and associated workplans.

[Home - Safeguarding Board Wales](#)

### **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). 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 result in improved and consistent safeguarding practices across the region. Carmarthenshire's Director of Communities is chair of the Regional Safeguarding Board meetings 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. For more information, please see link below to the Mid and West Wales Regional Safeguarding Board Website which includes published reviews and the 2021-22 Regional Board report: <http://cysur.wales/home>

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.

### **Adult Safeguarding- local context**

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 "everybody's responsibility" approach to keeping people as safe as possible. This is emphasised in the Safeguarding training routinely offered to internal and external staff.

In addition to the vast range of training opportunities and resources facilitated by the Regional Safeguarding Board, a full schedule of local multi-agency training sessions was delivered in Carmarthenshire throughout 2021/22. The training this year focused primarily on the new statutory safeguarding procedures. In addition, smaller themed training sessions were delivered throughout the year covering topics such as High-Risk behaviours and Domestic Abuse. The sessions were well attended and received positive feedback.

The Carmarthenshire Local Safeguarding Operational Group (CLOG) meets quarterly, and 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 Heads of Children and Adult services and focuses on achieving the best outcomes for those at risk by improving joint working practices and seeking solutions to multi agency operational challenges.

It has become standard practice for the Carmarthenshire Adult Safeguarding team to continuously analyse performance to ensure the most effective working practices are in place and resources deployed appropriately. This approach contributes to the goal of achieving good outcomes for adults at risk and ensures ongoing compliance with statutory duties. Carmarthenshire's adult safeguarding arrangements were not compromised throughout 2021/22 despite the ongoing challenges presented by the global pandemic.

### **The Adult Safeguarding Team**

The scope of adult safeguarding responsibilities is evolving. In addition to the statutory duties set out in the SSWBA, the team play an active role in attending Multi Agency Risk Assessment Conference (MARAC) meetings where information is shared on the highest risk domestic abuse cases. These meetings have been extended to include Modern Day Slavery victims and those at risk of Honour Based Violence. The primary focus of the MARAC is to safeguard the adult victim. 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 will manage the new process put in place to address concerns relating to people displaying High Risk Behaviours including Self neglect. This process was formally adopted during National Safeguarding Week in November 2021.

The team work closely with all partners, and other agencies to fulfil the local authority's statutory responsibilities. This ensures the most appropriate action is taken by the right people, at the right time to safeguard individuals at risk. The safeguarding team are also responsible for responding to concerns which relate to the inappropriate actions or inactions of Practitioners in a Position of Trust who work with adults with care and support needs.

The safeguarding team structure comprises of six senior safeguarding officers. Two of the team members are dedicated to undertaking initial safeguarding enquiries as per the Social Services and well-being (Wales) Act 2014, and the

remaining team members undertake extended enquiries and investigations. The team have been in their safeguarding roles for many years and have a vast amount of experience in this field of work.

An interim appointment has been made to the operational team manager post for Safeguarding and Deprivation of Liberty Safeguards (DoLS) whilst the permanent post is advertised. The team is led by a senior manager with local and regional strategic responsibilities. The post holder also manages Carmarthenshire's Channel arrangements (early support for individuals vulnerable to being drawn into terrorism) and is chair of Carmarthenshire's statutory Channel Panel. In addition, the postholder manages the Violence Against Women, Domestic Abuse and Sexual Violence (VAWDASV) regional advisor who holds a broad work portfolio. The senior manager post reports directly to the Head of Adult Social Care.

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. There is a shared commitment to delivering excellent service standards within the team and achieving good outcomes for adults at risk.

### **Person Centred Safeguarding**

As previously reported, 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 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 the risks from their perspective. Solutions are based on the desired outcomes of the person and appropriately supported by professionals involved. Adult safeguarding continues to be a challenging area of work as there is a fine balance between intervening to manage risk and respecting the right of an adult to make unwise decisions.

## **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 to ensure improvement opportunities and areas of inconsistency are identified and addressed.

In April 2021, CIW published the findings of the Carmarthenshire assurance check audit undertaken in March 2020. The report was extremely positive and made reassuring references to safeguarding practices.

The safeguarding team work closely with Carmarthenshire contracting and commissioning colleagues on a daily basis, exchanging information and responding to concerns in relation to commissioned services, eg residential care homes. The teams meet on a bi-monthly basis 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 service providers, 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. 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.

Carmarthenshire Adult Services had one Adult Practice Review in progress during this reporting period. The outcome of the review will be published by Welsh Government and any associated action plan monitored by the Regional Safeguarding Board.

### **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 as safe as possible. Carmarthenshire County Council is currently reviewing three interventions to identify thematic learning.

### **Performance data**

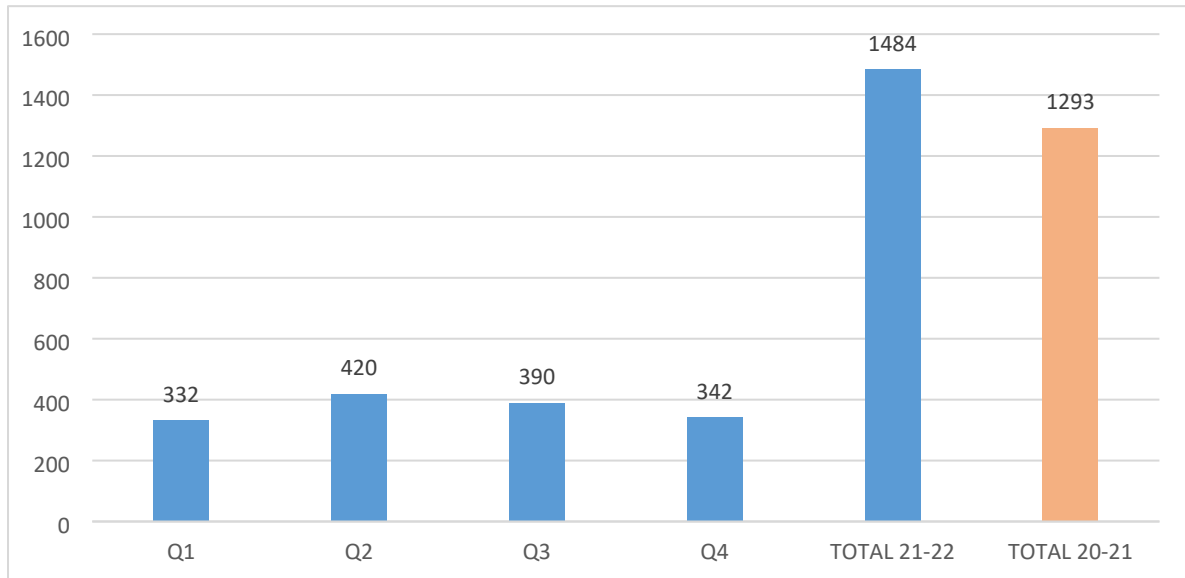
Safeguarding performance measures are set by and reported to Welsh Government on an annual basis and to the Regional Safeguarding Board quarterly. This data enables us to ensure adequate resources are in place to appropriately respond to adults at risk and identify patterns and trends which influence our future prevention and protection strategies. Welsh Government introduced new Performance indicators in 202/21 and periodically update or change the information required. These changes are likely to continue with introduction of new procedures and the broadening scope of Adult Safeguarding work. Further work to ensure the data captured is meaningful and comparable will continue throughout 2022/23

### **Information Management System**

The performance information provided to Welsh Government and the RSB is extracted from the Local Authority Information Management System. In October 2021, Adult Services was the first service area to migrate to Carmarthenshire's new enhanced Eclipse Information Management System. **As a result of the transition to the new system, there may be some anomalies in the data collected during period Q3 and Q4 2021/22.**

## Safeguarding performance data

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



#### **Duty to report**

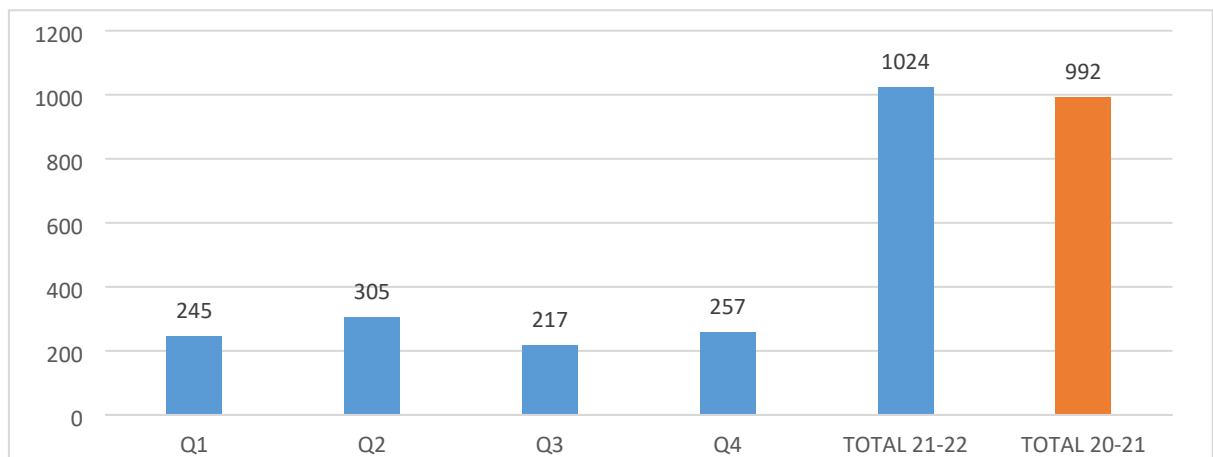
The Social services and Wellbeing (Wales) Act 2014 places a duty on 'relevant partner agencies' to report to the local authority any adult or child, including unborn children, they suspect is at risk of abuse or neglect. Any agency not included as a relevant partner is still expected to report safeguarding concerns in the same way as those with a statutory duty.

The total number of adult safeguarding reports received during the period 2021/22 was 1484. This indicates a 13% increase in comparison to the previous year.

An average of 124 safeguarding reports were received each month during 2021/22. 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 local authority adult safeguarding team.



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

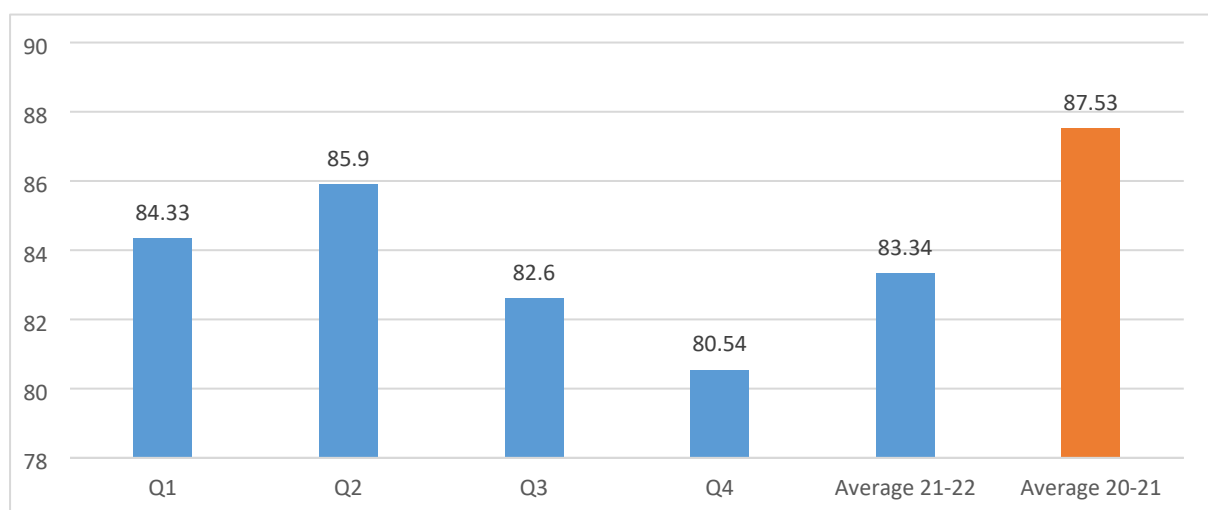


*Total Number of Safeguarding Enquiries undertaken= 1024*

When the local authority has reasonable cause to suspect an adult is, or may be at risk of abuse or neglect (having screened the safeguarding report received), it has a duty to make safeguarding enquiries under section 126 of the SSB(Wales) Act 2014

The increased number of safeguarding enquiries undertaken is consistent with the increased number of reports received. A total of **69%** of the safeguarding reports received were deemed appropriate to proceed to statutory enquiry (s126). Advice and guidance is provided in relation to reports that do not proceed to an enquiry.

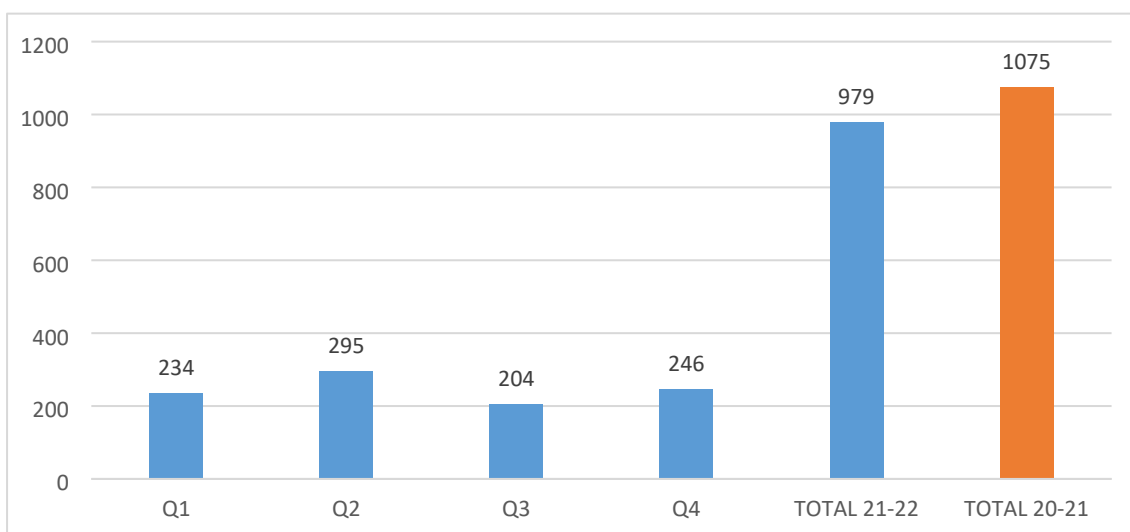
## 3. Percentage of safeguarding enquiries undertaken within 7 days



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

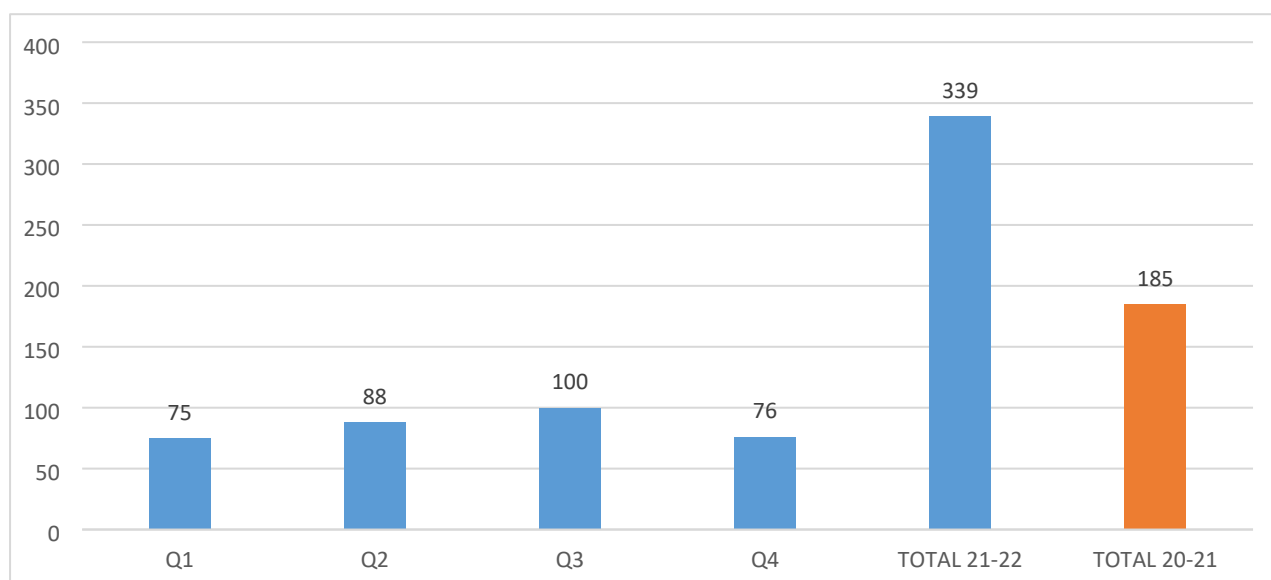
The percentage number of enquiries undertaken within 7 days has fluctuated throughout 2021/22. Several factors can contribute to the length of time enquiries take, e.g complexity of the situation or awaiting assistance or support from another agency. The local authority can delegate enquiries to the 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.

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



A safeguarding strategy discussion is held with partner or other agencies as part of statutory safeguarding enquiries. Strategy discussions allow the local authority and other agencies to identify situations which may require a collaborative intervention. 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 is therefore dependent on the nature of the concern and the agencies needing to be involved. Carmarthenshire has excellent working relationships with partner agencies and has well established processes for communication and joint planning.

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

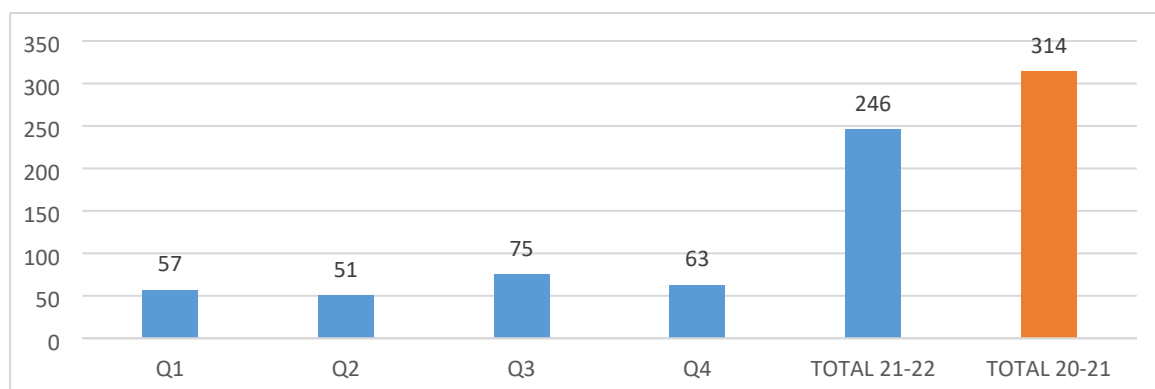


A safeguarding strategy meeting is a multi-agency meeting, held following a safeguarding enquiry. The purpose of the meeting is to share information, consider levels of risk, ensure any required assessments are completed, and decide on any ongoing actions. Many safeguarding enquiries do not progress to this stage as appropriate action is often taken during the enquiry stage. Some situations are more complex and will require numerous strategy meetings to manage and monitor ongoing actions and risk.

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

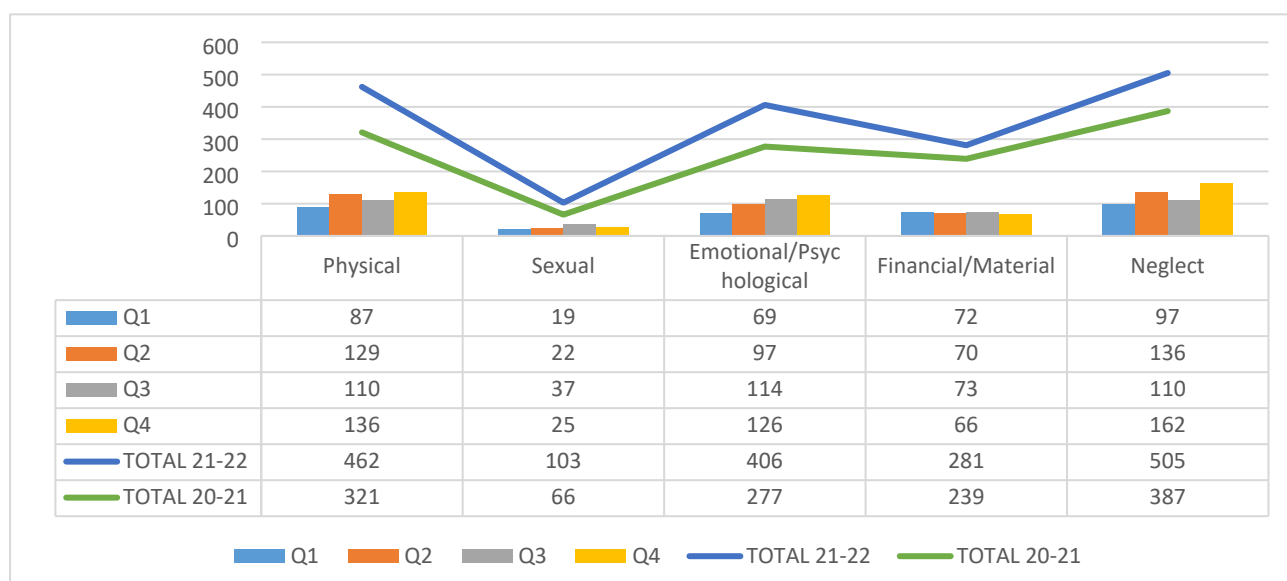
The use of remote meeting facilities initiated during the pandemic continues to significantly improve attendance at strategy meetings.

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



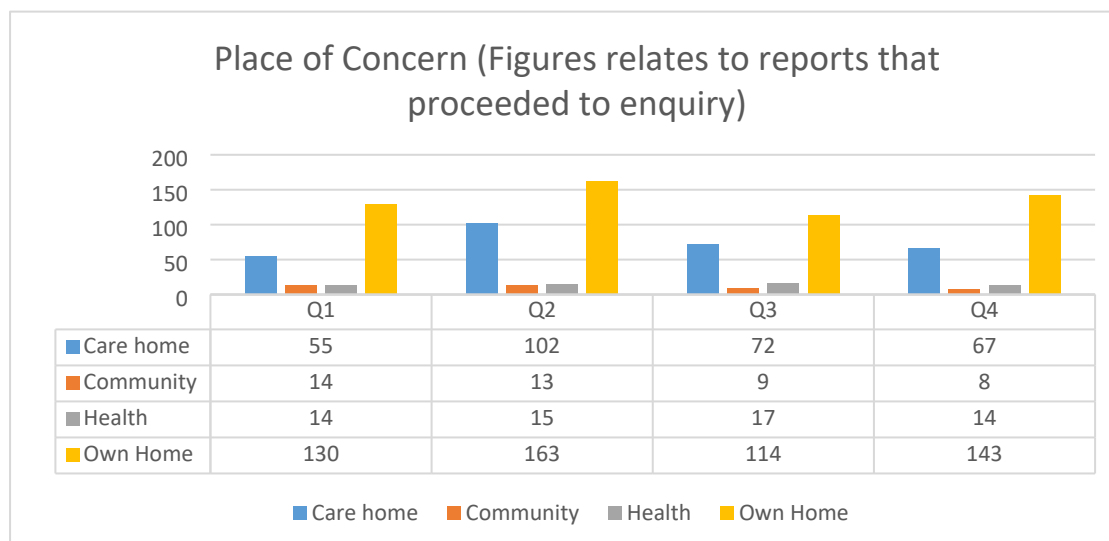
Whilst every safeguarding enquiry concludes with a plan to ensure the adult at risk is as safe as possible, this performance indicator reflects the number of formal safeguarding plans that have been agreed and integrated into the persons ongoing care and support plan. Again, this is not indicative of 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



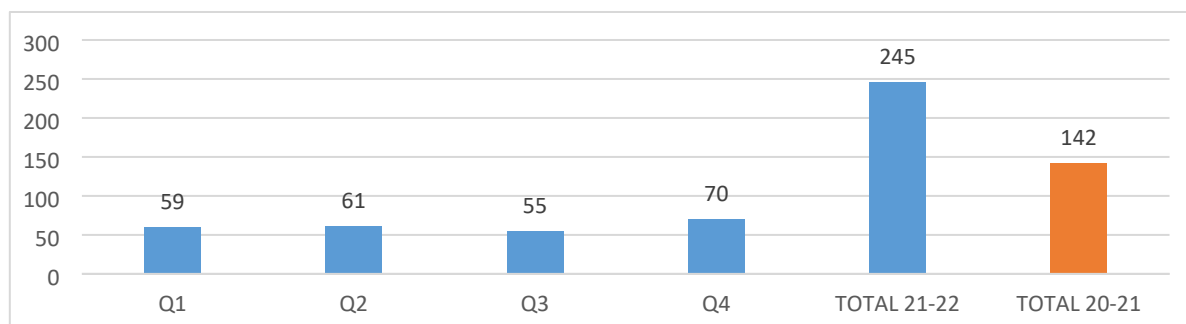
Neglect is predominantly the highest category of allegations due mainly to its broad definition. The data shows that the type of concerns reported to the local authority in 2021/22 is consistent with the previous year.

## 8. Place of concern



A persons 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 frequently. Many of the concerns reported do not amount to abuse or neglect. The high number of reports for these settings is evidence of a proactive approach to reporting concerns to the local authority as required.

## 9. Number of allegations relating to Persons in a position of Trust- 2021/22



Each local authority has a duty to manage allegations and concerns about any person who works with children, young people or adults with care or support needs, either paid or unpaid roles. This is referred to as a Person in a Position of Trust. Managing concerns under these procedures applies to a wider range

of allegations than those in which there is reasonable cause to believe a child or adult is at risk, it also applies to concerns that might indicate that a person is unsuitable to continue to work with children or adults with care or support needs. Practitioners who may be subject to these procedures is not limited to statutory partner organisations. The procedures apply to practitioners in all organisations that work with children or adults with care or support needs.

## **10. 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.

Much like other local authorities, Carmarthenshire County Council applies a prioritisation framework to ensure the most urgent applications are

progressed. In addition, we have introduced a robust audit process which ensures all requirements of the Mental Capacity Act are met before authorisation is granted.

In preparation for the Liberty Protection Safeguards, Welsh Government provided funding to all local authorities to address the backlog of assessments pending. Whilst the funding is welcomed, it remains a challenge sourcing appropriate practitioners to undertake assessments and especially to Carmarthenshire's standard, which includes face to face assessments and the provision of Welsh speaking assessors. Having undertaken a robust market assessment with numerous service providers we were able to appoint an agency who supported us to clear most of the assessments using the funding allocated.

#### **11. 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 initially due for implementation in October 2020 however this was delayed until 1st April 2022. This date has since been changed again as the draft codes of practice have still not been written. It is anticipated that formal consultation on the new draft code of practice for Liberty Protection Safeguards will commence in Spring 2022. The detail contained within the code will inform the resources and processes required for implementation. This change in legislation is managed centrally by the Department for Health and Social Care.

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.**

In preparation for the implementation of Liberty Protection Safeguards, the Mid and West Wales region (Carmarthenshire, Pembrokeshire, Ceredigion, Powys local authorities and Hywel Dda University Health Board) continue to work collaboratively to plan for implementation.

## **12. 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 poor internet connections, availability of remote devices, and not least residents' unfamiliarity with this method of communication. As restrictions were gradually lifted during 2021/22, some challenges remained, for example, continued Covid outbreaks, external practitioners unable or unwilling to undertake face to face assessments and a general lack of available assessors.

## **13. DoLS team**

The DoLS team, comprises of three experienced full-time best interest assessors all of whom are fluent Welsh speakers. This is extremely important in the context of these assessments as it is critical to understand the persons views and wishes regarding care and accommodation and critical in the assessment of mental capacity. Their 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. They report directly to the safeguarding and DoLS Team manager.

## **14. 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 1<sup>st</sup> 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.

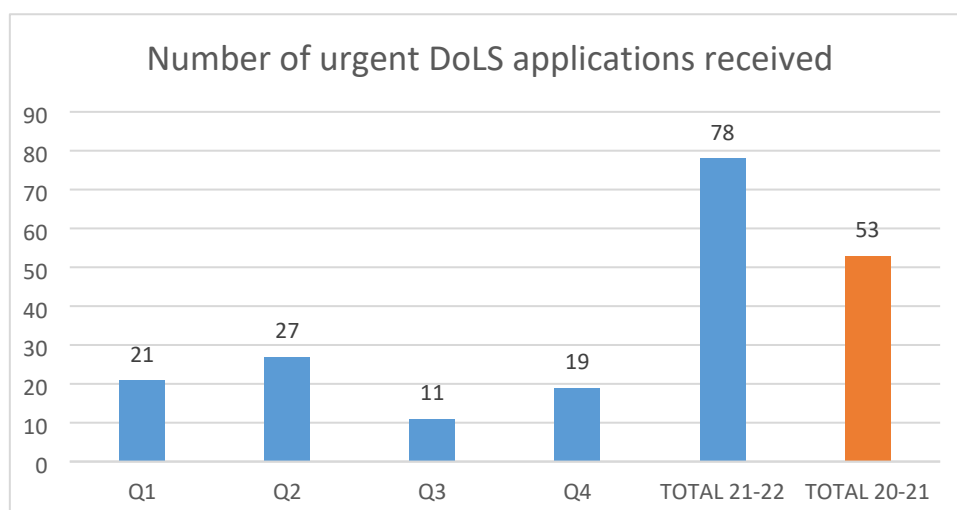
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A new code of practice for Liberty Protection Safeguards is due to be circulated for consultation in spring 2020. The detail contained within the code will inform the resources and processes required for implementation.

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.

## 15. Deprivation of Liberty Safeguards (DoLS) Performance Data

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



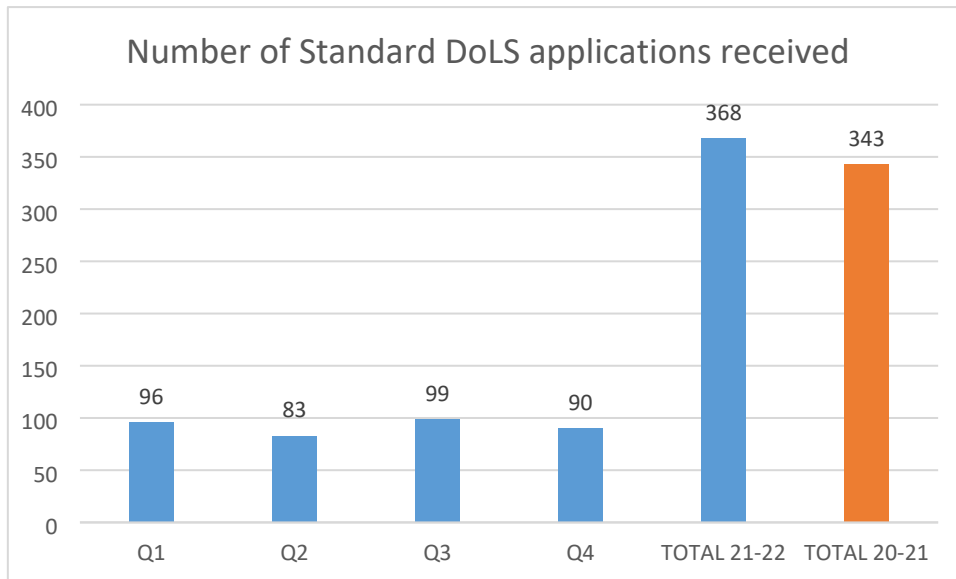
The Mental Capacity Act 2005 (DoLS supplementary code of practice) allows a Managing Authority (i.e Care home) to authorise itself to deprive a person of Liberty for up to 7 days, if:

- it believes that the need for the person to be deprived of Liberty is so urgent that the deprivation needs to begin before an application is made to the Supervisory Body (i.e Local Authority or Health Board) **or**
- if an application has already been made to the Supervisory Body but the situation is now so urgent that the deprivation of liberty needs to begin before the application has been dealt with.

The Supervisory body must undertake the necessary assessments within the 7day period however, an extension of a further 7 days can be granted in exceptional circumstances. Some applications do not meet the criteria for urgent authorisation and are therefore not granted.

	Q1	Q2	Q3	Q4
% of Urgent DoLS authorisations received that were completed within 7 days of receipt	44%	8%	0%	29%

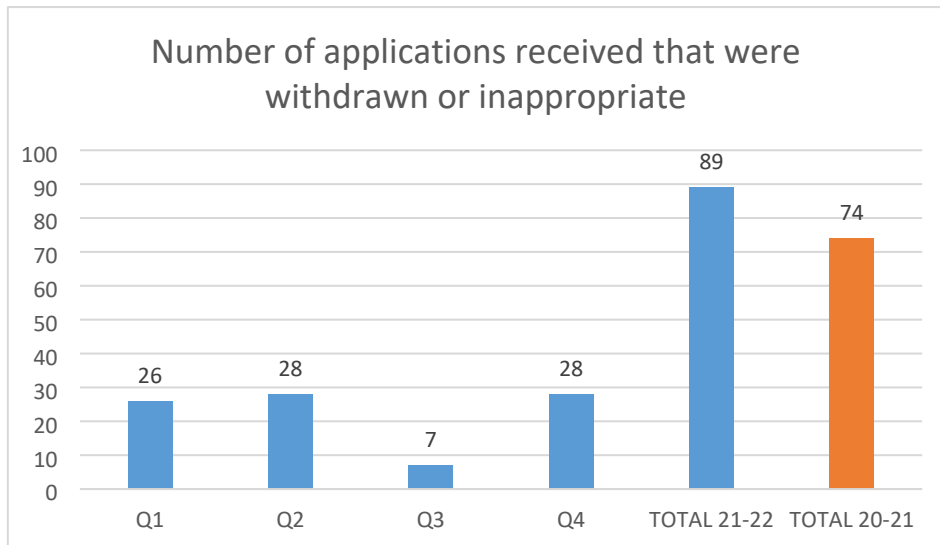
In addition to the difficulties accessing practitioners to complete assessments, there are also difficulties contacting appropriate family members and professionals involved in the person’s care. Delays of this nature have an impact on timescales and is typical of assessments requiring consultation with others. Meeting the 7-day timescale is therefore often dependent on factors outside the assessor’s control.



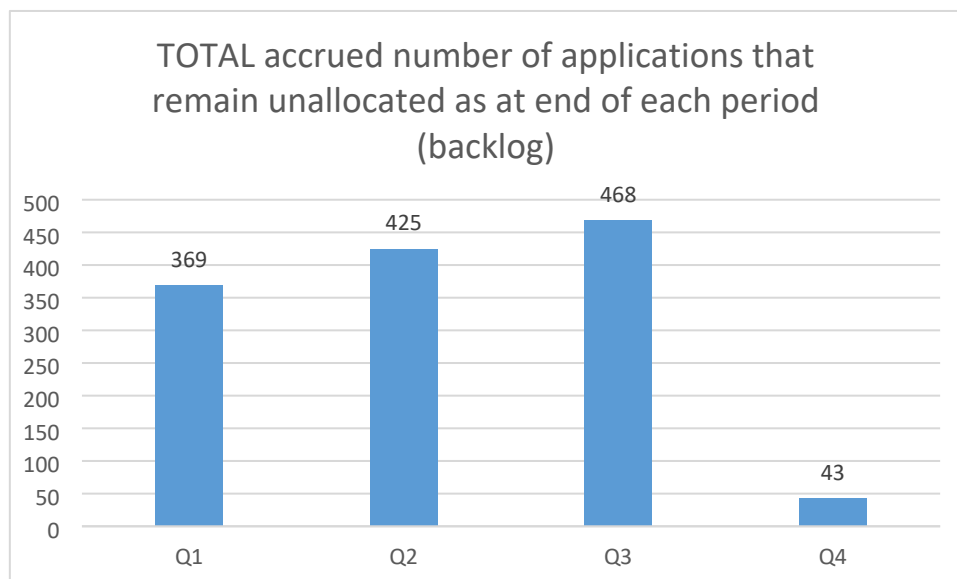
The figures above indicate an increase in the number applications received in 2021/22. The number of applications often correlate with the number of people moving into a care home. More people moved into a care home in 2021/22 than in the previous year.

	Q1	Q2	Q3	Q4
% of Standard authorisations that were completed within 21 days of allocation	28%	14%	33%	35%

The figures above are indicative of the challenges experienced in 2021/22, for example, access to care homes/ care home information and availability of qualified assessors. Carmarthenshire County Council's ability to complete DoLS assessments improved toward the latter part of the reporting period. This is due to the work undertaken via an external agency.



Applications are often withdrawn due to the death of a resident or deprivation of liberty no longer required. Inappropriate applications include those which do not meet the criteria for the safeguards.



The data above evidences the volume of assessments completed in the latter part of 2021/22. This was achieved through the additional funding provided by Welsh Government. It is anticipated that further funding will be made available in 2022/23 for Deprivation of Liberty assessments and implementation of the Liberty Protection Safeguards.