



'Everybody's Business' - Bath & North East Somerset Local Safeguarding Adults Board (LSAB) newsletter

Introduction

Welcome to the third issue of the LSAB newsletter. We hope you find the information contained in the newsletter informative and of interest.

'Safeguarding the vulnerable isn't just the duty of a handful of agencies; it's an essential community responsibility. We can all play a part in making sure that people in need of help are safe and free from abuse. Please make every effort to find out what you can do.'

Reg Pengelly, Independent Chair of LSAB



Reg Pengelly

'As the outgoing chair I would like to endorse the comments made by Reg Pengelly and to stress the need for safeguarding to become something that we all take seriously whether our involvement is as a worker, family member, neighbour, friend or bystander'

Robin Cowen

If you have any concerns or would like to know more about a particular issue please don't hesitate to get in touch with Lesley.Hutchinson@bathnes.gov.uk (B&NES Council Head of Safeguarding and Quality Assurance).

'Stop Adult Abuse' week – 15 - 19 June 2015

Bath and North East Somerset is once again raising awareness of the issue of adult abuse with a programme of events.

Events include a stall that will be situated in Radco supermarket, run in conjunction with [SWALLOW](#) (South West Learning and Living Our Way) service for people with a learning disability and the Trading Standards Team in Bath and North East Somerset and will highlight the particular problems of doorstep crime. This will be replicated in the city of Bath with a stall in the Southgate shopping area.

We will also be holding training events across the area, again highlighting financial abuse and domestic abuse and facilitated by the Sirona Safeguarding Lead, Maggie Hall. An afternoon tea event is being held on 15th of June at Oriel Hall in Larkhall for carers and service users of [AWP](#) mental health services in Bath and North East Somerset where they will have an opportunity to meet with members of the Adult Safeguarding Team.

At the RUH, outside the Lansdowne Restaurant in Bath on 15th, visitors and staff can talk to members of the RUH safeguarding team who will be running a stall focussing on Domestic Abuse and highlighting the work they do within the hospital setting.

Users of the mobile library service in Bath and North East Somerset can find out more about how to recognise signs of abuse and what we can all do to help the adults at risk of abuse in our community stay safe.

The week culminates in a half day awareness event at Fry's Club in Keynsham on Thursday 18th June launching the revised Adult Safeguarding Policy for Bath and North East Somerset following the introduction of the Care Act in April.

'As the newly appointed Independent Chair of the B&NES Local Safeguarding Adults Board I would like to add my thanks to everyone involved in organising this Awareness Week'
Reg Pengelly, Independent Chair of LSAB

What's on?

11th June 2015

Time: 09.30 – 12.30

Subject: Domestic violence and abuse workshop (Maggie Hall, Sirona)

Location: Learning and Development Centre, Midford House, St Martin's Hospital

15th June 2015

Time: 10.00 – 14.00

Subject: Royal United Hospital safeguarding stall, raising awareness of domestic abuse (Debra Harrison – RUH)

Location: Outside Lansdowne restaurant @ RUH

Time: 11.00 – 16.30

Subject: Safeguarding team and GP Sheila Leeden are aboard the mobile library

Location: Combe Down shops

Time: 14.00 – 18.00

Subject: Stop Adult abuse awareness stall with Bev Craney from SWALLOW and Kirsty Langford from Trading Standards

Location: Radco supermarket, Radstock

16th June

Time: 10.30 – 13.00

Subject: Bespoke financial abuse and PB training to SWALLOW staff, service users and carers

Location: SWALLOW offices, Midsomer Norton

17th June

Time: 10.00 – 13.00

Subject: Bespoke financial abuse and PB training to Connections Day Centre (Maggie Hall)

Location: Connections Day Centre

Time: 10.00 – 16.00

Subject: Stall in centre of Bath – safeguarding adults awareness raising and doorstep crime

Location: Centre of Bath (near Apple store)

Time: 13.30 – 16.30

Subject: Tea with mental health service users and carers and safeguarding adults team, informal awareness raising (organiser: Lee Rawlings from AWP)

Location: Oriel Hall, Larkhall

18th June

Time: 09.00 – 13.00

Subject: LSAB policy and procedures launch

Location: Somerdale Lodge, Fry's, Keynsham

Time: 13.00 – 17.00

Subject: Member of safeguarding adults team and a GP will be aboard the mobile library, promoting safeguarding adults awareness and doorstep crime

Location: North East Somerset patch, starting at Timsbury

Adult Safeguarding Peer Review

The 23–25th of March 2015 were very much red letter days in our working calendar as we welcomed a [Local Government Association](#) Peer Review Team to consider the quality of our safeguarding arrangements. Drawn from authorities across the country, the team included an elected member and a Director of Adult Social Care. The purpose of the review was to recognise our achievements and identify areas for development. Fortunately, as well as useful suggestions in the latter, there were also plenty of positive things to celebrate. Amongst the achievements, the review team noted:

- A good understanding of safeguarding and a universal commitment to wanting to get it right
- Good participation at the Local Safeguarding Adults Board and its sub groups
- Strong and well established partnerships
- People are clear how to make a safeguarding alert
- A strong framework for Making Safeguarding Personal created by the four test bed sites.

The areas of development identified were:

- Continue the work on making safeguarding personal so that the voice of the individual is heard in all aspects of our safeguarding work
- The establishment of a “prevention” strategy that both supports people to take more responsibility for themselves and continues to send the safeguarding message out into the wider community
- Consider how carers/families experience of safeguarding could be captured
- Review and strengthen the involvement of individuals and carers in the work of the LSAB.

What happens next? We will be developing an action plan based on the Peer Review outcome. If you would like to know more contact [Lesley Hutchinson@bathnes.gov.uk](mailto:Lesley_Hutchinson@bathnes.gov.uk) or [Helen Wakeling@bathnes.gov.uk](mailto:Helen_Wakeling@bathnes.gov.uk).

Key messages/next LSAB meeting

Here are the [key messages](#) from the last LSAB meeting, held on 23rd March

The next Board meeting will be held on **June 17th at Avon Fire and Rescue HQ**

Multi-Agency Policy and Procedures

Here are the new [Multi-Agency Policy](#) and [Procedures](#); these have been reviewed in light of the Care Act.

Spotlight on the RUH

At the RUH we are fortunate to have a Safeguarding Adults team which is passionate about its day-to-day work; reinforcing a culture of zero tolerance towards abuse.

Adult safeguarding is the process of protecting adults with care and support needs from abuse and neglect. It is an important part of what many public services do, but the key responsibility lies with Local Authorities (in partnership with the Police and the NHS).

Debra Harrison, who is the Trust's Safeguarding Adults Lead, says: "*Rarely a day passes without reference in the media, highlighting another case of adult abuse.*"

Our aim is to support the RUH as a community that prides itself on being committed to keeping patients and carers safe, by ensuring that everyone understands the signs of abuse or neglect and has the confidence to speak up, and to speak out about it.

For the first time, safeguarding adults has been provided with a legal framework and statutory guidance to strengthen the support we, and other agencies, can offer adults at risk. This new guidance - called the Care Act - heralds a major change in practice; moving from a process-led to a person-centred approach, so making Safeguarding Personal, which achieves the outcomes that people want. (you can read more about the Care Act below).

We all have a duty to follow this guidance and work in partnership with other agencies such as Social Services, Police, advocacy services and the wider health community. Of course the most important partnership of all is with the patients and their families or carers.

During Stop Adult Abuse week, we'll be encouraging staff to come and meet the team and find out more about how they can contribute to making Safeguarding Personal. The event will take place on 15 June in the Lansdown foyer, from 11am until 2pm.

We're always here to offer advice and support to any staff who may alert us to a safeguarding issue, and at any time during the process, should a case proceed. We're establishing a Safeguarding Hub, so that individuals with a safeguarding role, focused on adults or children, will be located in the same office. You can contact the Safeguarding Hub at any time on x5358 or x1538."

Meet the team:

Debra Harrison, Lead Nurse: Safeguarding has been part of Debra's role for many years: "It can be a tough and challenging role but equally, when adults at risk are given the support to make choices to help keep them safe, then there is deep satisfaction in being part of the multi-agency team that has helped."

Neil Boyland, Safeguarding Nurse: Neil has many years' experience in safeguarding adults as part of previous roles, and is now in a substantive role in the safeguarding team: "I am

delighted to be part of the safeguarding team and I've been able to focus fully on supporting patients to help keep themselves safe from further harm or abuse."

Gemma Box, Specialist Nurse Learning Disability & Best Interest Assessor (BIA):

Gemma works with patients with Learning Disabilities and is also a newly qualified Best Interest Assessor: "My week is split between supporting people with learning disabilities and as a BIA. My BIA role is a new and exciting role for the hospital. This role ensures patient's rights are upheld working within the Deprivation of Liberty Safeguards.

Vivienne Taylor: Vivienne has worked in the team since January. "Despite the subject matter, which is often difficult, I find the role both challenging and rewarding."

And now the science bit ...

The Care Act 2014 builds on recent reviews and reforms, replacing numerous previous laws, to provide a coherent approach to adult social care in England. Part one of the Act (and its Statutory Guidance) consolidates and modernises the framework of care and support law; it set out new duties for local authorities and partners, and new rights for service users and carers.

The Act aims to achieve:

- **Clearer** fairer care and support
- **Well-being** – physical, mental and emotional – of both the person needing care and their carer
- **Prevention** and delay of the need for care and support
- **People** in control of their care.

The statutory guidance preserves six principles of safeguarding:

1. **Empowerment** - presumption of person-led decisions and informed consent
2. **Prevention** - it is better to take action before harm occurs
3. **Proportionality** - proportionate and least intrusive response appropriate to the risk presented
4. **Protection** - support and representation for those in greatest need
5. **Partnerships** - local solutions through services working with their communities
6. **Accountability** - accountability and transparency in delivering safeguarding.

Care Act – carers' assessments

Since April 2015, the Care Act has brought in changes. These mean that carers are entitled to support and/or advice to help them continue in their caring role.

If the cared-for person lives in Bath & North East Somerset, their carer is entitled to an assessment in their own right, regardless of whether the person they care for receives services from their local authority. The assessment will look at the ways caring affects the carer's life.

More information:

- [Bath & North East Somerset Carers' Centre](#)
- [Support for carers information sheet](#)
- [Care Act – the law for carers](#) (Department of Health information sheet)



Trading Standards – ‘Buy With Confidence’

Trading Standards ‘Buy with Confidence’ scheme helps you avoid the cowboys and find honest, fair local businesses.

What is ‘Buy with Confidence’?

Buy with Confidence is a voluntary scheme run by local authority Trading Standards departments. Businesses in the scheme must follow a customer-friendly code of practice and treat consumers fairly. Trading Standards officers:

- visit every business in the scheme
- check that businesses have suitable complaints systems
- run criminal record checks where necessary.

‘Buy With Confidence’ member businesses are also subject to ongoing checks and customer feedback is monitored.

What can I expect from a ‘Buy With Confidence’ member?

Although the scheme can't offer any guarantees about the work carried out by members, you can expect any problems to be dealt with fairly by the business. In addition, Trading Standards can be contacted in the event of an unresolved issue.

Get quotes and ask questions

‘Buy With Confidence’ scheme businesses vary in size, expertise and cost. Always get several quotes and ask questions before choosing a business, in order to improve your chance of finding a business that meets your expectations. Please do not pay large amounts in advance; if a business cannot fund the necessary materials you have reason to be cautious about their solvency.

Buy with Confidence is available in hard copy through libraries and other council buildings, one stop shops and also Age Concern and Citizens Advice. It's also on line www.Buywithconfidence.co.uk or can be viewed/downloaded as a pdf: http://www.bathnes.gov.uk/sites/default/files/sitedocuments/Trading-Standards/BuywithConfidence/bwc_dir_2014_v3.pdf

Inadequate' Mental Capacity Act implementation leaving dementia patients unaware of legal rights

The [Alzheimer's Society](#) has recently undertaken research with people living with dementia and their carers that showed that they are unaware of their legal rights under the Mental Capacity Act 2005 (MCA). This, the research concludes, is leaving people feeling powerless to challenge decisions made by professionals.

The research was based on a survey of 206 people living with dementia and 472 carers about their experience of the MCA. Almost 20% of those surveyed felt that professionals often made decisions without asking them. This, of course, is unlawful under the Act. Perhaps even more shocking is that fact that only 12% of people with dementia felt that professionals supported them to make their own decisions. This is a fundamental principle under the Act.

The research also raised concerns that people often saw many different professionals who had "insufficient time" to get to know them and make effective best interests decisions. The study concluded that implementation of the MCA remained "inadequate" and carers and people living with dementia were "unaware of their fundamental rights". "Their experiences show that even the key principles of the MCA are not followed in practice, and the various provisions providing rights are also not being implemented," the research found.

The study also revealed some differences in the responses given by people who completed the survey online and those who completed paper versions. Only 15% of people with dementia completing the survey on paper had previously heard of the MCA compared to 35% of those who completed online. This showed that people with dementia must be able to access information in print form rather than there being an "over-reliance" on the internet, the study concluded.

The research has been published in the Elder Law Journal.

Capacity to Consent to a Sexual Relationship

What does the legislation say?

The Mental Capacity Act 2005 does not address the question of capacity to consent to sexual relationships. These issues are dealt with under the Sexual Offences Act 2003. There are specific issues that apply to people aged between 16-18 years. However, recent case law suggests that the Mental Capacity Act and the Sexual Offences Act 2003 can sit side by side; e.g. the Sexual Offences Act could not address the question as to whether someone has capacity to consent to a sexual relationship.

How does the Sexual Offences Act 2003 define capacity to consent to sexual relationships?

The Act states that "a person consents if he/she agrees by choice and has the freedom and capacity to make that choice". The Act also states that an individual lacks capacity to choose if they lack sufficient understanding of the nature of the act of the reasonably foreseeable consequences of what is being done or for any other reason. This is a different definition of capacity from that included in the Mental Capacity Act (2005).

So what does this definition mean by sufficient understanding and reasonably foreseeable consequences?

In the Guidance to the Sexual Offences Act 2003 it states that sufficient understanding and reasonably foreseeable consequences includes knowing sex is different from personal care and that sex can lead to pregnancy and to sexually transmitted diseases.

What about any other reason?

This may mean not knowing that you have a choice, and it is important to consider this carefully as there are lots of reasons why people might choose to have a sexual relationship. This is discussed in more detail below.

Is there any other legislation to consider?

The Human Rights Act 1998 highlights that everyone has a right to respect for his/her private and family life, and this includes the right of an individual to engage in lawful sexual activities and/or relationships. There may be some restrictions in the interests of society, public safety or protection of rights of others but these must be clearly stated in law.

What about vulnerable adults?

There are policies and procedures to protect vulnerable adults but these should not remove the right for consenting sexual relationships between adults. Identifying that an individual lacks capacity to make a decision does not automatically mean that he or she is a vulnerable adult and by contrast many adults who are vulnerable may have capacity to make a decision. Some people have capacity to make the decision but need assistance to carry out their choice. It can be difficult sometimes to ensure that an appropriate balance is maintained between protecting people and restricting their rights.



0808 801 0464

Confidential support for men and boys who have experienced sexual violence or abuse at any time in their lives.

Our volunteer helpline workers are here to listen to you and support you. We can provide information, emotional support, signposting advice, and can help you access counselling services.

Our free helpline opening times are:

Mondays 11.00 am—2.00pm

Tuesdays 6.00pm—8.30pm

E mail support

You can e mail us anytime. Our support email address is support@sarsas.org.uk

Useful websites

Leaflets

Have a look at the leaflets, posters and cards available on the Council's safeguarding website. Please let us know if you like copies.

Useful links:

[Bath & North East Somerset Council Adult Safeguarding web page](#)

[B&NES Local Safeguarding Adults Board \(LSAB\)](#)

[B&NES Local Safeguarding Children Board \(LSCB\)](#)

[B&NES Council Child Protection page](#)

[Alzheimer's Society](#)

[Action on Elder Abuse](#)

[Association of Directors of Adult Social Services](#)

[Social Care Institute for Excellence](#)

*The next LSAB newsletter will be produced in November 2015. To include an article, news item or to share information about a project or training, please contact Melanie_Hodgson@bathnes.gov.uk by the end of September 2015
(this issue produced June 2015 MH)*