Welcome to Gloucestershire’s Autumn 2016 Edition MCA/ DoLS and Safeguarding Adults Newsletter produced jointly by Mental Capacity Act Governance Group (MCAGG) and the Safeguarding Adults Board (GSAB).

As you go through the Newsletter you will be able to gain additional information by clicking on the picture or hyperlink to the original report or news item. The Newsletter is a catch up of Case Law, legal updates, statutory guidance, interesting developments and practical applications of the Acts over the last 4 months.

Primary Care MCA Policy

The Primary Care MCA 2005 Draft Policy was signed off by the MCAGG earlier in the year and it was presented to the Integrated Governance and Quality Committee at the CCG.

The aim is to be able to present the final Policy at a countywide Safeguarding Adults Forum, which it is hoped to be organised before the end of the year. The MCA Governance Manager will ensure this is actioned in a timely manner to support all health staff working within Primary Care to feel supported and empowered to apply the MCA Act 2005 fully into everyday practice.

Mental Capacity and Post 16 Residential Education

The MCA Governance Manager has been working with the post 16 development team to develop guidance to support staff to apply the MCA Act. The Act applies to all people over 16 although to be able to make their own decisions. In the 16-17 year age group there is ‘zone of parental responsibility regarding substituted decision making. The project is to ensure the 5 principles of the MCA are applied when considering a residential educational placement so the young person has been fully supported to make their own decisions if they have capacity and if the young person cannot, it is make in their best interest and the least restrictive.
Case Law Update

- Case of AG v BMBC & Anor (2016). The case related to a 92 year old lady with Dementia who had been moved to a care home in her best interests and was subject to a 12 month standard DoLS authorisation. AG’s treatment regime in the care home included the covert administration of medication. The Court decided that the use of covert medication in this case was not subject to proper reviews or safeguards.

Full judgement

MCA & Deprivation of Liberty Safeguards Improvement Tool

The Department of Health (DH) recently estimated that 70 per cent of those who use social care services may lack mental capacity for some decisions. The Mental Capacity Act (MCA) 2005 promotes a person centred approach which promotes autonomy and for those who may lack mental capacity ensures that decisions made on their behalf are made in their best interests and with the least possible restriction of freedoms.

It is recognised that much has already been achieved but that more needs to be done across the system to fully implement this important piece of legislation. Building on the work carried out in individual authorities, the Local Government Association (LGA) and the Association of Directors of Social Services (ADASS) have produced a range of resources that can assist local areas in their implementation of the Act, including the Deprivation of Liberty Safeguards (DoLS).

Improvement tool

Developed by the sector with funding from the DH, this resource aims to be a self-assessment tool that can be used across a range of organisations to assess a service, to identify and promote good practice and to highlight areas for further development. The four themes of the tool also forms the basis of a peer challenge.

Mental Capacity Act and Deprivation of Liberty Safeguards Improvement Tool

Mental Capacity Act training from Social Care Institute for Excellence (SCIE) – updated

Understanding and applying the Mental Capacity Act is an essential element of safeguarding adults. Professionals may wish to access this updated e-learning resource that is freely available and can be used to supplement training offered within organisations.

SCIE have updated their Mental Capacity Act (MCA) e-learning resource. It is fully Care Act compliant, has a fresh new design and is more mobile-friendly. This free online course explores the Mental Capacity Act including best interest decision-making and how to support people to make their own decisions.
Safeguarding Adults News

Up and coming Events

The GSAB will be hosting two safeguarding Workshops (January/February 2017) which will offer interactive learning opportunities and are aimed at all individuals working with adults in Gloucestershire. The Workshops will cover Self Neglect and Modern Slavery and sessions will include key note speakers, themed learning from Safeguarding Adult reviews and Market Stalls. Further information will be sent out later next month.

Domestic Abuse - video on coercive control

Learning opportunity to further understand coercive control in an abusive relationship. The Police and Crime Commissioner (PCC) event on coercive control as a form of domestic abuse has put together a video of Professor Evan Stark’s presentation which is now available to view.

Financial Abuse – new framework agreed by banks, creditors and advice providers

The Citizens Advice Bureau and the British Bankers Association recently launched a new report on addressing financial abuse. The report is the first of its kind to acutely understand, and ultimately advise how banks, other creditors and advice providers can support victims of financial abuse.

The report acknowledges there is sometimes a perceived stigma surrounding abuse, be it domestic or financial, and it’s important these barriers are broken. Targeting the root of this, the report encourages banks to talk about abuse, be it verbally, or visually, through the use of posters, staff newsletters and websites. From the moment a customer discloses a case of financial abuse, they should be reassured they’ve made the right decision, and will be supported throughout the process. Cont...

The framework includes recommendations to assist workers and volunteers who suspect or receive a disclosure someone is experiencing financial abuse. Banks’ responsibility to protect these customers, whilst helping them to regain control of their finances is of paramount importance. Key to achieving this is a better understanding through expert advice of which actions will indeed help a victim as opposed to triggering more abuse.
Opportunity to learn from a Serious Case Review (SCR) - issues of neglect and self-neglect

Neglect and self-neglect can be challenging issues to respond to. There is an opportunity to learn from a review that has been undertaken by Camden Safeguarding Adults Board and published recently.

The issues in this SCR are neglect and self-neglect of a woman in her late 70s who was reluctant to engage with some services and who lived at home with visits from care workers.

Some good practice was identified as well as recommendations in relation to:
- A focus on the person
- Assessment, care planning and review
- Working with risk
- Risk of pressure ulcers
- Working with self-neglect and people who decline services/support
- Mental Capacity Act and legal literacy
- Staff support/supervision

The executive summary is available on the website at:

Giving adults voice, choice and control in social care - Department of Health (DH)

The Department of Health (DH) has published a document on ‘Giving adults voice, choice and control in social care’ - this document provides guidance on how registered nurses, care and support staff can enable relationship-centred care, and how they can work with others to achieve personalised care and support. The guidance is for staff across a range of care settings, including care home staff and carers who look after people in their own homes.

It sets out how their previous document ‘Compassion in Practice’ relates to nurses and care staff working in any number of different settings.
Guidance for Advocates

Guidance to support advocates in challenging decisions or actions with or on behalf of individuals.

The aim of this VoiceAbility guide is to increase the knowledge and confidence of advocates in challenging decisions of professionals involved in the care and support of adults. It enables advocates to develop a tool-kit that includes a range of approaches to take, dependent on the adult’s views and the situation. The guide discusses ways advocates can challenge decisions, and the skills useful to succeed in their duty, particularly in relation to negotiating and influencing. It also includes essential reference material, with links to external websites and hyperlinked documents. This guidance will assist advocates in carrying out their duties under the Care Act 2014, but may also be useful for other professionals, family and friends.

Modern Slavery: identifying and supporting victims

This document updated in November 2015 will support health staff when they suspect a patient is a victim of modern slavery. It gives health professionals guidance on:

- how to identify signs that someone may have been trafficked
- the health care issues trafficked people may experience
- how to respond in a way that will not put the potential victim in further danger
- the action to take if they suspect a person is a victim of modern slavery.

Modern Slavery can take many forms including the trafficking of people, forced labour, servitude and slavery. Any consent victims have given to their treatment will be irrelevant where they have been coerced, deceived or provided with payment or benefit to achieve that consent. The term ‘modern slavery’ captures a whole range of types of exploitation, many of which occur together. These include but are not limited to:

- **Sexual exploitation:** This includes but is not limited to sexual exploitation and abuse, forced prostitution and the abuse of children for the production of child abuse images/videos. Whilst women and children make up the majority of victims, men can also be affected. Adults are coerced often under the threat of force, or other penalty.

- **Domestic servitude:** This involves a victim being forced to work, usually in private households, performing domestic chores and child care duties. Their freedom may be restricted and they may work long hours often for little pay or no pay, often sleeping where they work.

- **Forced labour:** Victims may be forced to work long hours for little or no pay in poor conditions under verbal or physical threats of violence to them or their families. It can happen in various industries, including construction, manufacturing, laying driveways, hospitality, food packaging, agriculture, maritime and beauty (nail bars).
Criminal exploitation: This is the exploitation of a person to commit a crime, such as pick pocketing, shop-lifting, cannabis cultivation, drug trafficking and other similar activities.

Other forms of exploitation may include organ removal, forced begging, forced benefit fraud, forced marriage and illegal adoption.

Modern slavery should be reported to the police. If the person has needs for care and support, and is unable to protect themselves as a result, a safeguarding concern should be raised.

Have you taken advantage of our free training?
Do you know how to access it?

The Safeguarding Adults Board training plan sets out our approach to learning and development activities that are designed to support the Gloucestershire Multi-agency Safeguarding Adults Procedures and the requirements of current legislation and guidelines.

Our training plan focuses on the delivery of high quality learning and development activities to all levels of staff to enable them to respond to safeguarding concerns. Details on how to access the training from your organisation is available via this link: Training.

What’s new with you?

We’re keen to share good practice and hot topics across all areas of safeguarding. If you have an issue or good idea that worked for your organisation and would like to share it please get in touch.

Feedback

If you have any suggestions for topics or comments about this newsletter, then please email gsab@gloucestershire.gov.uk

Why not send us an article about safeguarding good practice or new ways of working? We will try and include it in future editions.

In all our Newsletters we hope to dedicate our final section to providing useful information for people who use Health and Social Care Services and their families.

As this Newsletter is focused on providing people with information on Adult Safeguarding and the Mental Capacity Act, we thought it would be useful to offer links to some resources that clearly explain what these areas of Policy and Government Legislation are all about.

For local information about Adult Safeguarding in Gloucestershire you can visit our website by clicking here on the link

www.gloucestershire.gov.uk/gsab

This main page has sections with all the information you need to understand Adult Safeguarding, and also has the numbers to call should you expect that an adult you know or care for is being abused.

There are many other resources out there that also explain how you can make sure you are keeping your relative or loved one safe.

www.gloucestershire.gov.uk/gsab/CHttpHandler.ashx?id=47742&p=0

The Safeguarding Adults Board wish for the content and future development of the Safeguarding Adults and Mental Capacity Act Newsletter to be led by the views and voices of Safeguarding Practitioners, Health and Social Care Professionals, Provider Services, the voluntary and community sector and people who use services and their families.

So if you have information or work you wish to share, ideas for future articles, suggestions for improving the newsletter or questions you wish to pose you can do this by emailing:

 gsab@gloucestershire.gov.uk

We would also ask that all professionals and providers share this Newsletter with all the people and families they support.

Information on Safeguarding Adults, Mental Capacity Act and Deprivation of Liberty Safeguards training can be found via this link

www.gloucestershire.gov.uk/gsab/CHttpHandler.ashx?id=47742&p=0