

Information, advice and advocacy workshop

25 March 2015

Introductions

Purpose of session

By the end of the session participants will have a good understanding of:

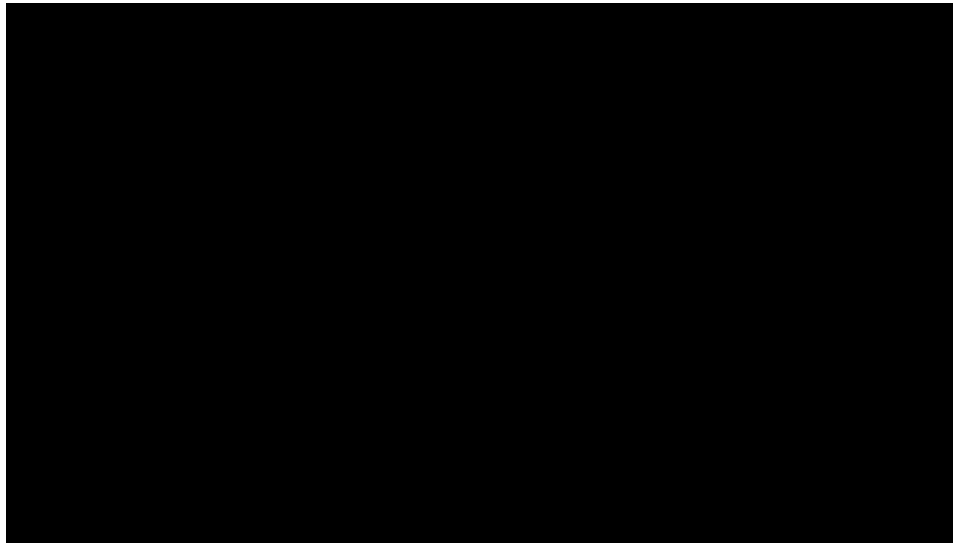
- Key areas of the Act
- Tower Hamlets policies and practices
- Key changes to procedures & paperwork

Care Act 2014 – Key Duties

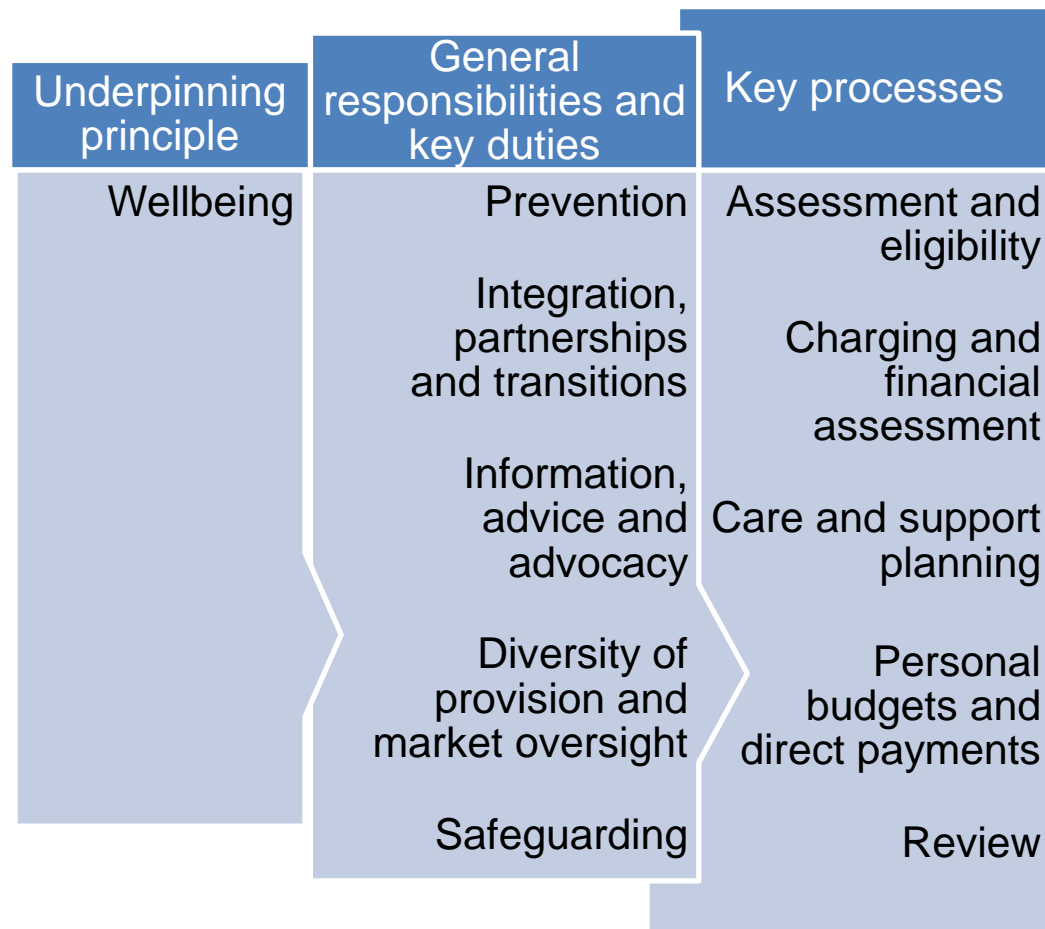
Overview of the Care Act

[https://www.youtube.com/watch?v=5UPkskeXd](https://www.youtube.com/watch?v=5UPkskeXdAA)

[AA](#)



The framework of the Act and its statutory guidance



General Responsibilities of Local Authorities

The Care Act places a number of general duties on LA's.

These are:

1. Promoting individual well being
2. Preventing needs for care and support
3. Promoting integration of care and support with health services etc.
4. Providing information and advice
5. Promoting diversity and quality in provision of services

Promoting Individual Wellbeing

The Act states that:

- Individual best placed to judge individual's wellbeing
- Individual's views, wishes, feelings, beliefs must be considered
- Individual participating as fully as possible
- Preventing and delaying need for care and support
- Decisions made having regard to all individual's circumstances
- Need to protect from abuse and neglect
- Balance
- Minimum restriction on rights or freedom of actions of individual

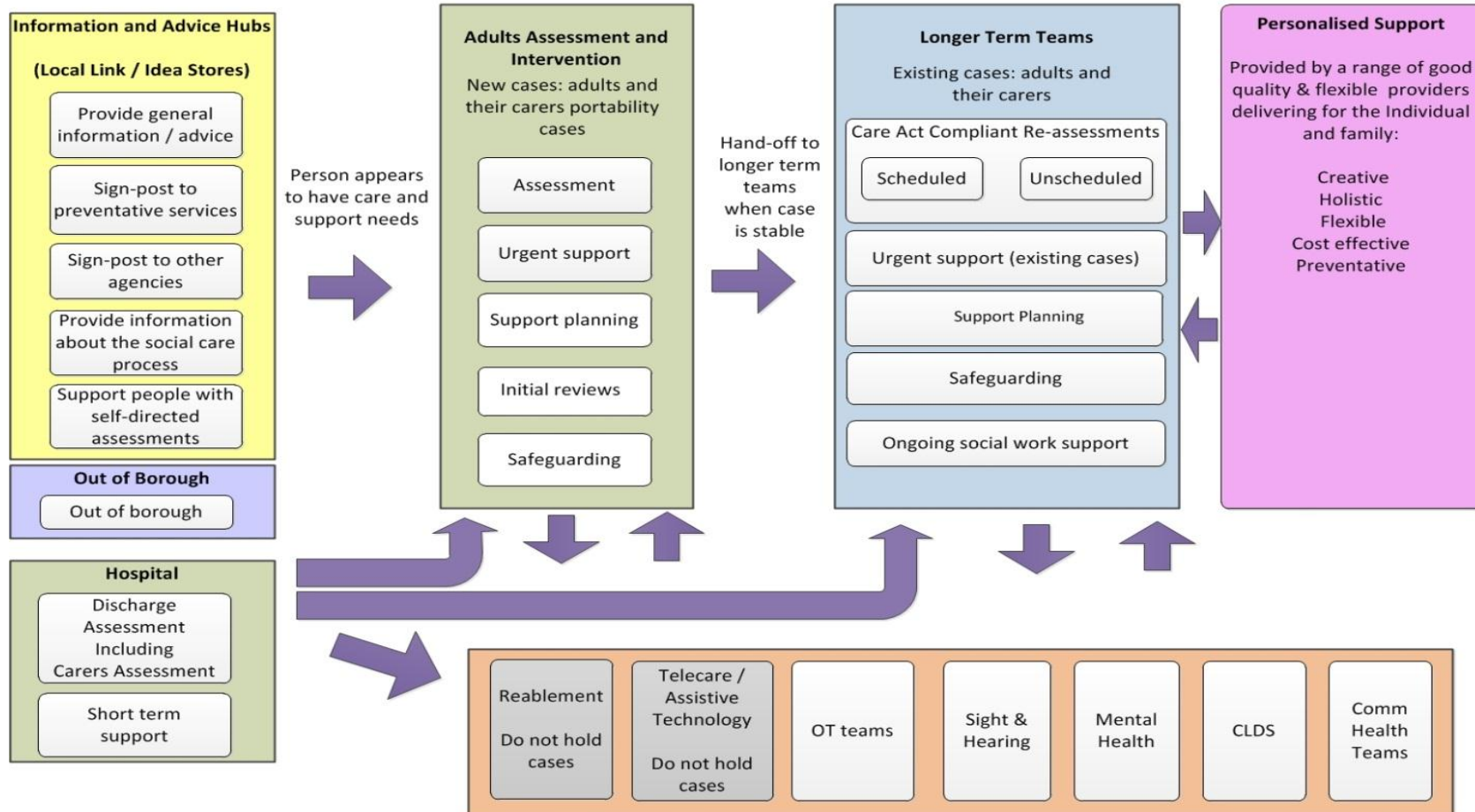
Definition of wellbeing

1.5. “Wellbeing” is a broad concept, and it is described as relating to the following areas in particular:

- personal dignity (including treatment of the individual with respect);
- physical and mental health and emotional wellbeing;
- protection from abuse and neglect;
- control by the individual over day-to-day life (including over care and support provided and the way it is provided);
- participation in work, education, training or recreation;
- social and economic wellbeing;
- domestic, family and personal;
- suitability of living accommodation;
- the individual's contribution to society.

Tower Hamlets approach

Team Functions and hand-offs – High Level



Information sources

- Website
- E-Marketplace
- Leaflets

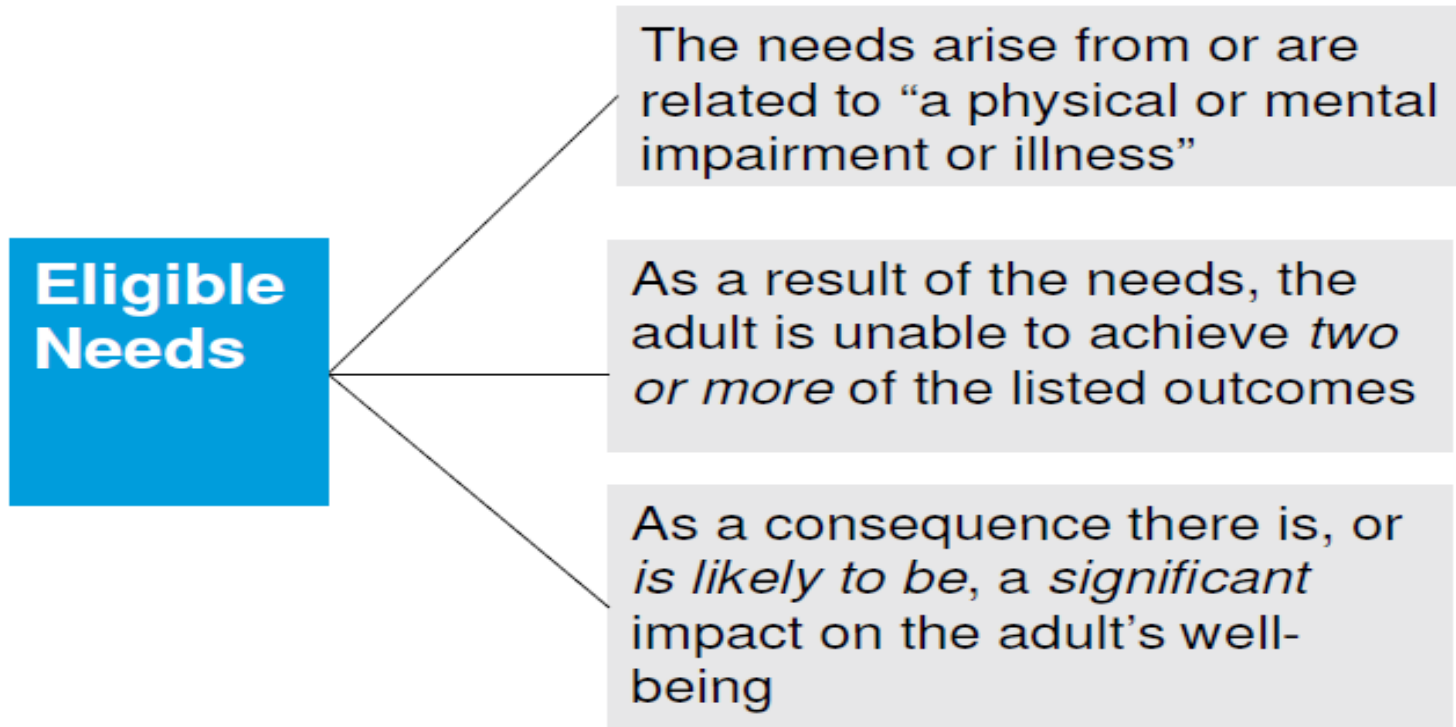
Eligibility criteria & assessments

Eligibility Criteria

- For people who need support
- Their Carers
- Young Carers

Needs assessments

- There will be a national eligibility criteria setting a minimum threshold for adult care and support needs which local authorities must meet.. These will be set out in regulations.



Needs assessments

- Local authorities are required to undertake a needs assessment for an adult who may have needs for care and support
- The duty applies regardless of the authority's view of the level of the person's needs or the level of his financial resources
- The LA must involve the adult, any carer and any person he asks to be involved, or where he lacks capacity, to ask any person who appears interested in his welfare
- Guidance states that the LA is not required to meet any needs being met by a carer who is willing and able to meet them BUT it should record this

Specified Outcomes:

- Nutrition
- Personal hygiene
- Toilet needs
- Clothed
- Safe use of home
- Habitable home environment
- Family or other personal relationships
- Access work / education or volunteering
- Using facilities or services
- Parenting responsibilities

Unable to achieve an outcome it:

- Is unable to achieve it without assistance
- Is able to achieve it without assistance but doing so causes the adult significant pain, distress or anxiety
- Is able to achieve it without assistance but doing so endangers or is likely to endanger the health or safety of the adult, or of others
- Is able to achieve it without assistance but takes significantly longer than would normally be expected.

Significant impact

- **Duties**
- **Powers**

Safeguarding

Safeguarding Within the Care Act

Safeguarding focus throughout the act

- (1) 'Well-being', in relation to an individual, means that individual's well-being so far as relating to any of the following:
 - (a) Personal dignity (including treatment of the individual with respect);
 - (b) physical and mental health and emotional wellbeing
 - (c) protection from abuse and neglect;
- (2) In exercising a function under this Part in the case of an individual, a local authority must have regard to the following matters:
 - (g) the need to protect people from abuse and neglect.

Types of Abuse

- Physical abuse – including assault, hitting, slapping, pushing, misuse of medication, restraint or inappropriate physical sanctions.
- Domestic violence – including psychological, physical, sexual, financial, emotional abuse; so called ‘honour’ based violence.
- Organisational abuse – including neglect and poor care practice within an institution or specific care setting such as a hospital or care home, for example, or in relation to care provided in one’s own home. This may range from one off incidents to on-going ill-treatment. It can be through neglect or poor professional practice as a result of the structure, policies, processes and practices within an organisation.

Types of Abuse

- Sexual abuse – including rape, indecent exposure, sexual harassment, inappropriate looking or touching, sexual teasing or innuendo, sexual photography, subjection to pornography or witnessing sexual acts, indecent exposure and sexual assault or sexual acts to which the adult has not consented or was pressured into consenting.
- Psychological abuse – including emotional abuse, threats of harm or abandonment, deprivation of contact, humiliation, blaming, controlling, intimidation, coercion, harassment, verbal abuse, cyber bullying, isolation or unreasonable and unjustified withdrawal of services or supportive networks.

Types of Abuse

- Financial or material abuse – including theft, fraud, internet scamming, coercion in relation to an adult's financial affairs or arrangements, including in connection with wills, property, inheritance or financial transactions, or the misuse or misappropriation of property, possessions or benefits.
- Modern slavery – encompasses slavery, human trafficking, forced labour and domestic servitude. Traffickers and slave masters use whatever means they have at their disposal to coerce, deceive and force individuals into a life of abuse, servitude and inhumane treatment.
- Discriminatory abuse – including forms of harassment, slurs or similar treatment; because of race, gender and gender identity, age, disability, sexual orientation or religion.

Types of Abuse

- Neglect and acts of omission – including ignoring medical, emotional or physical care needs, failure to provide access to appropriate health, care and support or educational services, the withholding of the necessities of life, such as medication, adequate nutrition and heating
- Self-neglect – this covers a wide range of behaviour neglecting to care for one's personal hygiene, health or surroundings and includes behaviour such as hoarding

Section 42 Care Act: Enquiry by a Local Authority

- (1) This section applies where a local authority has reasonable cause to suspect that an adult in its area (whether or not ordinarily resident there)—
- (a) has needs for care and support (whether or not the authority is meeting any of those needs),
 - (b) is experiencing, or is at risk of, abuse or neglect, and
 - (c) as a result of those needs is unable to protect himself or herself against the abuse or neglect or the risk of it.

Section 42 Care Act: Enquiry by a Local Authority (2)

2) The local authority must make (or cause to be made) whatever enquiries it thinks necessary to enable it to decide whether any action should be taken in the adult's case (whether under this Part or otherwise) and, if so, what and by whom.

Or cause to be made-implications for other agencies as whilst Local Authority retains ultimate responsibility other agencies may take the lead in the investigation.

No duty to take action-personal approach to safeguarding recognising complexity of safeguarding adults.

Safeguarding and Carers (1):

Circumstances in which a carer could be involved in a situation that may require a safeguarding response include:

- A carers may witness or speak up about abuse or neglect

- A carer may experience intentional or unintentional neglect from the adult they are trying to support or from professionals and organisations they are in contact with; or

- A carer may unintentionally or intentionally harm or neglect the adult they support on their own or with others.

Safeguarding and Carers (2):

14.36 - assessment of both the carer and the adult they care for must include consideration of both of their wellbeing.

Professionals involved should make early positive intervention, assessing the situation holistically and seek to ensure protective measures are in place that do not result in a break down of the support network.

SAFEGUARDING- A MULTI AGENCY RESPONSE

The Care Act recognises that local Authorities cannot safeguard individuals on their own and can only be achieved by effective working together with other agencies.

Make up of SAB's – multiagency- police, LA and health. Guidance recognises role of other agencies in safeguarding including fire and ambulance services, health and social care providers including independent providers, DWP, housing, probation and prison services, GP's , CQC etc.

Information Sharing (1):

14.157 Statutory Guidance

Agencies should draw up a common agreement relating to confidentiality and setting out the principles governing the sharing of information, based on the welfare of the adult or of other potentially affected adults. Any agreement should be consistent with the principles set out in the Caldicott Review published in 2013 ensuring that:

- Information only shared on a need to know basis.

- Confidentiality must not be confused with secrecy

- Informed consent should be obtained but, if this is not possible and other adults are at risk of abuse or neglect, it maybe necessary to override the requirement and;

- It is inappropriate for agencies to give assurances of absolute confidentiality in cases where there are concerns about abuse...

Information Sharing (2):

14.58 : Where an adult has refused to consent to information being disclosed for these purposes, then practitioners **MUST** consider whether there is an overriding public interests that would justify information sharing (e.g because there is a risk that others are at risk of serious harm) and wherever possible, the appropriate Caldicott Guardian should be involved.

How will this work in practice?

LBTH Signs of Wellbeing and Safety Practice Framework

- Focuses on individuality of the person and circumstances
- Individual supported to articulate what they would like to achieve
- Framework encourages the individual and professional to identify strengths and assets
- Goal is to achieve succinct assessments with analytical conclusions

Case Studies

Split into four groups -

Each group will be given a case study

Think about what information you would provide in each case. Where would you signpost them to?

You have 20 minutes for each case study

Thinking about an adult in your life that you feel worried about:

What are you Worried About?

 **STEP ONE: START HERE, BACK AND FORWARDS** 

What has happened, what have you seen, that makes you worried about this adult?

When you think about what has already happened to _____ what do you think is the worst thing that could happen to _____ because of this problem?

Are there things happening in _____'s life or family that make this problem harder to deal with?

What's Working Well?

What do you like about _____ what are his/her best attributes?

Who are the people that care most about _____? What are the best things about how they care for _____?

What would _____ say are the best things about his/her life?

Who would _____ say are the most important people in his/her life? How do they help _____ be well or improve _____ wellbeing?

Has there been times when this problem has been dealt with or was even a little better? How did that happen?

What Needs to Happen?

STEP THREE

Having thought more about this problem now, what would you need to see that would make you satisfied the situation is at a 10?

What would _____ need to see that would make them say this problem is completely sorted out?

What do you think is the next step that should happen to get this worry sorted out?

On a scale of 0 to 10 where 10 means this problem is sorted out as much as it can be and zero means things are so bad for the adult you need to get professional or other outside help, where do you rate this situation today? (Put different judgment numbers on scale for different people e.g., you, family, friends, doctor etc).

0  **STEP TWO: JUDGMENT**  **10**

Case Studies – Feedback to Group

Questions and Next Steps