

Public Document Pack



Safer Halton Policy and Performance Board

Tuesday, 17 November 2009 6.30 p.m.
Council Chamber, Runcorn Town Hall

A handwritten signature in black ink, appearing to read 'David W R', positioned above a faint rectangular stamp.

Chief Executive

BOARD MEMBERSHIP

Councillor Shaun Osborne (Chairman)	Labour
Councillor John Stockton (Vice- Chairman)	Labour
Councillor Marjorie Bradshaw	Conservative
Councillor Susan Edge	Labour
Councillor Martha Lloyd Jones	Labour
Councillor Keith Morley	Labour
Councillor Margaret Ratcliffe	Liberal Democrat
Councillor Linda Redhead	Liberal Democrat
Councillor Colin Rowan	Conservative
Councillor Mike Shepherd	Liberal Democrat
Councillor Dave Thompson	Labour

*Please contact Lynn Derbyshire on 0151 471 7389 or e-mail
lynn.derbyshire@halton.gov.uk for further information.*

The next meeting of the Committee is on Tuesday, 19 January 2010

**ITEMS TO BE DEALT WITH
IN THE PRESENCE OF THE PRESS AND PUBLIC**

Part I

Item No.	Page No.
1. MINUTES	
2. DECLARATION OF INTEREST (INCLUDING PARTY WHIP DECLARATIONS)	
Members are reminded of their responsibility to declare any personal or personal and prejudicial interest which they have in any item of business on the agenda, no later than when that item is reached and, with personal and prejudicial interests (subject to certain exceptions in the Code of Conduct for Members), to leave the meeting prior to discussion and voting on the item.	
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In accordance with the Health and Safety at Work Act the Council is required to notify those attending meetings of the fire evacuation procedures. A copy has previously been circulated to Members and instructions are located in all rooms within the Civic block.

REPORT TO: Safer Halton Policy & Performance Board

DATE: 17 November 2009

REPORTING OFFICER: Strategic Director, Corporate and Policy

SUBJECT: Public Question Time

WARD(s): Borough-wide

1.0 PURPOSE OF REPORT

1.1 To consider any questions submitted by the Public in accordance with Standing Order 34(9).

1.2 Details of any questions received will be circulated at the meeting.

2.0 RECOMMENDED: That any questions received be dealt with.

3.0 SUPPORTING INFORMATION

3.1 Standing Order 34(9) states that Public Questions shall be dealt with as follows:-

- (i) A total of 30 minutes will be allocated for dealing with questions from members of the public who are residents of the Borough, to ask questions at meetings of the Policy and Performance Boards.
- (ii) Members of the public can ask questions on any matter relating to the agenda.
- (iii) Members of the public can ask questions. Written notice of questions must be given by 4.00 pm on the working day prior to the date of the meeting to the Committee Services Manager. At any one meeting no person/organisation may submit more than one question.
- (iv) One supplementary question (relating to the original question) may be asked by the questioner, which may or may not be answered at the meeting.
- (v) The Chair or proper officer may reject a question if it:-
 - Is not about a matter for which the local authority has a responsibility or which affects the Borough;
 - Is defamatory, frivolous, offensive, abusive or racist;
 - Is substantially the same as a question which has been put at a meeting of the Council in the past six months; or
 - Requires the disclosure of confidential or exempt information.

- (vi) In the interests of natural justice, public questions cannot relate to a planning or licensing application or to any matter which is not dealt with in the public part of a meeting.
- (vii) The Chairperson will ask for people to indicate that they wish to ask a question.
- (viii) **PLEASE NOTE** that the maximum amount of time each questioner will be allowed is 3 minutes.
- (ix) If you do not receive a response at the meeting, a Council Officer will ask for your name and address and make sure that you receive a written response.

Please bear in mind that public question time lasts for a maximum of 30 minutes. To help in making the most of this opportunity to speak:-

- Please keep your questions as concise as possible.
- Please do not repeat or make statements on earlier questions as this reduces the time available for other issues to be raised.
- Please note public question time is not intended for debate – issues raised will be responded to either at the meeting or in writing at a later date.

4.0 POLICY IMPLICATIONS

None.

5.0 OTHER IMPLICATIONS

None.

6.0 IMPLICATIONS FOR THE COUNCIL'S PRIORITIES

6.1 **Children and Young People in Halton** - none.

6.2 **Employment, Learning and Skills in Halton** - none.

6.3 **A Healthy Halton** – none.

6.4 **A Safer Halton** – none.

6.5 **Halton's Urban Renewal** – none.

7.0 EQUALITY AND DIVERSITY ISSUES

7.1 None.

**8.0 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE
LOCAL GOVERNMENT ACT 1972**

8.1 There are no background papers under the meaning of the Act.

REPORT TO: Safer Halton Policy and Performance Board
DATE: 17 November 2009
REPORTING OFFICER: Chief Executive
SUBJECT: Specialist Strategic Partnership minutes
WARD(s): Boroughwide

1.0 PURPOSE OF REPORT

The Minutes relating to the Community Portfolio which have been considered by the Safer Halton Specialist Strategic Partnership are normally attached for consideration.

As the Safer Halton Partnership meeting was held on 17 September 2009 the minutes have not been agreed in time to comply with the Access to Information Act 1985.

2.0 RECOMMENDATION: That the report be noted.

3.0 POLICY IMPLICATIONS

3.1 None.

4.0 OTHER IMPLICATIONS

4.1 None.

5.0 IMPLICATIONS FOR THE COUNCIL'S PRIORITIES

5.1 Children and Young People in Halton

None.

5.2 Employment, Learning and Skills in Halton

None.

5.3 A Healthy Halton

None.

5.4 A Safer Halton

None.

5.5 Halton's Urban Renewal

None.

6.0 RISK ANALYSIS

6.1 None.

7.0 EQUALITY AND DIVERSITY ISSUES

7.1 None.

8.0 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972

8.1 There are no background papers under the meaning of the Act.

	<ul style="list-style-type: none">• MA also looking at how we report ASB and a designated number and system to be developed, at present if HDL receives a call it will be passed on to CST.	MA
6	Update on working party on-going and planned business <ul style="list-style-type: none">• ASB reporting (next agenda item)• Domestic Violence/Abuse Co-ordinator• ASB phase 2 issues and stats (next agenda item)• Monitoring Performance Indicators (next agenda item)	
7	Future meetings Next meeting to be held on Tuesday 3 rd November 2009 at 4.45pm with refreshments.	

Minutes of the SH PPB Community Safety working party**Held on Tuesday 3rd November 2009 at 4.45pm****Meeting Room 1, Runcorn Town Hall**

Present: Cllr John Stockton (Chair), Cllr Pamela Wallace, Cllr Martha Lloyd-Jones, Cllr Linda Redhead, Howard Cockcroft, Mike Andrews

Item	Details	Action
1	Apologies: Inspector Simon Blackwell, Cllr Sue Edge, Alex Villiers	
2	<p>Minutes of meeting 16th September 2009 and matters arising</p> <ul style="list-style-type: none"> • The minutes were accepted as a true record. • The planned open day for the new offices had been delayed, and was now targeted for 'Not in My Neighbourhood Week' at the end of November. 	
3	<p>ASB reporting</p> <ul style="list-style-type: none"> • Currently there is no hot-line for reporting ASB. This is likely to become a Home Office requirement for all Local Authorities. • It is suggested that HDL fulfil this function. This could be either the current HDL number, or a dedicated ASB number. HDL will develop a script with Community Safety. • This line is aimed at non-residents of social landlords, principally private landlords and owner/occupiers. • Residents of social landlords should continue to report incidents to the social landlords. Serious situations should continue to be reported via 999. • MA outlined how the number will be advertised. 	
4	<p>ASB phase 2 issues and stats</p> <ul style="list-style-type: none"> • This item was deferred to the next meeting in the absence of Alex Villiers. 	
5	<p>Monitoring Performance Indicators</p> <ul style="list-style-type: none"> • MA outlined the monitoring process, from the collection of data for National Indicators, to the production of an action plan for each indicator. • Members asked for a glossary of abbreviations. <p>It was highlighted: -</p> <ul style="list-style-type: none"> • Only reported crime was represented, not actual crime. People need to be encouraged to report everything. • The figures for perception of crime have remained static, even though actual crime had fallen. • There were clear seasonal trends. 	

	<ul style="list-style-type: none">• Hot-spots could be highlighted.• Consistency of SSP data collection needed reviewing.• National Averages needed inserting for each indicator, so Halton's performance could be viewed against them.	
6	Update on working party on-going and planned business <ul style="list-style-type: none">• Rosie Lyden, the recently appointed Domestic Abuse Co-ordinator be asked to attend the next meeting to give a position statement, and to indicate the priorities for Halton.	
7	Future meetings <ul style="list-style-type: none">• The next meeting will be held on Tuesday 1st December 2009. Food will be available from 4.30, and the meeting will commence at 5pm. Venue to be confirmed.	

REPORT TO: Safer Halton Policy & Performance Board

DATE: 17 November 2009

REPORTING OFFICER: Strategic Director, Health & Community

SUBJECT: Business Planning 2010–13

WARDS: Boroughwide

1.0 PURPOSE OF THE REPORT

1.1 To offer a timely opportunity for Members to contribute to the development of Business Plans for the coming financial year.

2.0 IT IS RECOMMENDED THAT:

The Board indicates priority areas for service development or improvement over the next 3 years.

3.0 SUPPORTING INFORMATION

- 3.1 Each Department has been required to develop a medium-term business plan, in parallel with the budget, that is subject to annual review and refresh. The process of developing service plans for the period 2010-2013 is just beginning. Given the changes to departmental structures that are presently emerging, it is proposed that this year, four Directorate Plans will be produced rather than 19 Departmental Service Plans. This will provide a means of setting objectives for newly configured service departments. At this stage members are invited to identify a small number of areas for development or improvement (possibly 3-5) that they would like to see reflected within those plans. Strategic Directors will then develop draft plans which will be available for consideration by PPBs early in the New Year.
- 3.2 Service Objectives and Performance Indicators and targets will be developed by each Department and this information will be included within Appendices to the Directorate Plan. Additionally relevant departments will still be required to provide Quarterly Performance Monitoring Reports in their existing format during the coming 2010 – 11 financial year.
- 3.3 Plans can only be finalised once budget decisions have been confirmed in March.
- 3.4 To assist Members in their considerations it is proposed that each Operational Director will give the Board a short presentation setting out the key issues and challenges for their current service over the coming 3 years.

4.0 POLICY IMPLICATIONS

4.1 Business Plans form a key part of the Council's policy framework.

5.0 OTHER IMPLICATIONS

5.1 Directorate Plans will identify resource implications.

6.0 IMPLICATIONS FOR THE COUNCILS PRIORITIES

6.1 The business planning process is the means by which we ensure that the six corporate priorities are built into our service plans and priorities, and thence cascaded down into team plans and individual action plans.

7.0 RISK ANALYSIS

7.1 Risk Assessment will continue to form an integral element of Directorate Plan development. This report mitigates the risk of Members not being involved in setting service delivery objectives.

8.0 EQUALITY AND DIVERSITY ISSUES

8.1 Those high priority actions that result from Impact Review and Assessment will be included within Directorate Plans and will continue to be monitored through Departmental Performance Monitoring Reports.

9.0 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972

There are no relevant background documents to this report

REPORT TO: Safer Halton Policy & Performance Board

DATE: 17 November 2009

REPORTING OFFICER: Strategic Director – Health & Community

SUBJECT: Safeguarding Vulnerable Adults

1.0 **PURPOSE OF REPORT**

1.1 To present the Annual Report of Halton's Safeguarding Adults Board, for the year 2008/09, and to brief the PPB on key issues and progression of the agenda for Safeguarding Vulnerable Adults.

2.0 **RECOMMENDATION:**

- i) That the PPB note and comment on the content of the Annual Report of the Safeguarding Adults Board 2008/09 and recent/current key issues.

3.0 **SUPPORTING INFORMATION**

3.1 **Annual Report of the Safeguarding Adults Board (SAB)**

The Annual Report outlines the strategic framework and operation of the multi-agency arrangements for safeguarding adults in Halton who are vulnerable to abuse. The report provides details of work undertaken from April 2008 to March 2009 and summarises priorities and planned activity for the year April 2009 to March 2010.

The report is made available on Halton Borough Council's website and is sent to lead officers and senior managers in partner agencies in all sectors.

3.2 **Up-date**

Since April 2009, key issues to report are:

3.2.1 **Locally:**

- Safeguarding Adults Board (SAB) and sub-group terms of reference and work plans have been reviewed & updated.
- The operation and chair of the SAB is under review.
- The local authorities of Halton, St Helens & Warrington, together with Halton & St Helens PCT and Warrington PCT have agreed in

principle to work towards a multi-area approach in commissioning substance misuse and alcohol services. The Joint Service is due to commence in April 2010 and will potentially help to prevent abuse of those whose circumstances exacerbate their vulnerability.

- An additional Detective Inspector post has been created in the Northern Public Protection Unit of Cheshire Constabulary, thereby providing a dedicated DI for Halton instead of covering both the Halton & Warrington areas. A dedicated vulnerable adults officer has also been appointed at Detective Constable level.
- The PPU formally responded to recommendations of HBC's 2008 Scrutiny Review of the Safeguarding service.
- A Dignity Coordinator has been appointed. The Coordinator has joined and will regularly report into the SAB, to ensure that the essential links between dignity and the recognition and prevention of abuse are made and sustained. The Coordinator has also joined the NHS Trusts/HBC sub-group.
- A Dignity Champions' Network has been established, with membership including local representatives from the health, voluntary, independent and statutory sectors. The chair of the Network is the Older People's Champion, Doreen Shotton.
- Development of 2-way secure email facility is being progressed, between Halton Borough Council and the Police, for Safeguarding and Multi-agency Risk Assessment Conference (MARAC) correspondence particularly, and if possible between HBC and local NHS Trusts.
- The Local multi-agency Mental Capacity Act (MCA) 2005 and Deprivation of Liberty Standards (DoLS) steering group is reviewing governance arrangements, training arrangements, understanding of the law and policies, procedures & guidance. Guidance on implementing the MCA has been provided for the Police.
- Usage of the Independent Mental Capacity Advocacy (IMCA) service is under review and steps being taken to raise awareness and ensure access.
- Steps have been taken to raise awareness of the Intermediary (vulnerable witness support) service, among Police and HBC officers.
- Warrington & Halton Hospitals NHS Foundation Trust have appointed the Director of Nursing & Governance as Lead Safeguarding Adults manager, who has joined the SAB membership. The Trust also secured funding to invest in a whole time equivalent Safeguarding Adults Matron post.
- NHS Halton & St Helens Primary Care Trust has appointed both a Safeguarding Adults Lead manager, who has joined the SAB, and Safeguarding Adults Coordinator.

Developments are ongoing in both Trusts.

- The links and tensions between Safeguarding and arrangements to extend Self Directed Support are under consideration by both the SAB and HBC, to ensure access to adequate safeguards are available to those who choose to direct their own support arrangements, without eroding their right to self determination and independence.
- The Investigators training course target group has been extended to incorporate (4) NHS Trusts' staff who participate in investigations, and learning outcomes & course content reviewed in consultation with the Trusts.
- A Train the Trainer course has been launched to provide full and comprehensive grounding and ongoing support for people with responsibility to cascade basic awareness training.
- HBC is working towards providing better training attendance analysis.
- The Police (PPU) have committed to providing input on an increased number of Referrers and Investigators courses provided by HBC this year, and the content and format of Referrers and Investigators courses reviewed with regard to Police input.
- The Training & Development sub-group has reviewed voluntary sector training needs.
- A multi-agency Publicity & Community sub-group has been set up and terms of reference and work plan agreed.
- Displays of publicity and information were sited at a number of venues during national Carers' Week and on Disability Awareness Day.
- A publicity material distribution to local recipients has begun.
- Tragedies occurring in other localities have been utilized to benchmark local services and provide opportunities for learning and development. These included the death of Baby Peter in Haringey and a housing situation in Hounslow involving adults with learning disabilities and their family.
- An external audit of safeguarding within HBC Adults Services has been undertaken, focussing both on Safeguarding Vulnerable Adults and, where there were Child Protection concerns, the interface issues with children's services. All recommendations were progressed through an action plan and will be monitored through the HBC Safeguarding Performance Group. Additionally, a protocol for joint working has been set up in HBC.
- Adult Social Care reviewed their internal arrangements regarding the MARAC and produced a report containing recommendations, which were all progressed, including some about governance of the MARAC and reporting mechanism.
- Contractual agreements and service specifications applied to substance misuse services and advocacy services have recently

been reviewed and now incorporate further standards and measurable indicators relating to specifically to safeguarding vulnerable adults. Service standards include protection from abuse, compliance with legislation, training, staff recruitment and selection, and supervision. Providers are specifically required to ensure that staff trained to recognise safeguarding issues.

Nationally:

3.2.2

- Halton's Safeguarding Adults Board submitted a comprehensive consultation response to the second phase of the review of 'No Secrets' (DH 2000) national guidance on safeguarding adults.
- Halton /Borough Council responded to a consultation on the review of 'Ordinary Residence' guidance, which includes reciprocal arrangements for dealing with safeguarding concerns arising when residents reside outside of their funding authority area.
- The Law Commission plans to review adult social care legislation, including that which applies to safeguarding adults, during 2010.
- HBC has incorporated a national data for safeguarding adults into its client record recording system and is furthering development of an electronic recording system. Partner agencies are taking steps to facilitate their providing internal safeguarding adults data to the SAB.

4.0

POLICY, LEGAL AND FINANCIAL IMPLICATIONS

4.1

There are no legal, policy or resource implications in endorsing the Annual Report or in this report to the PPB.

All agencies supporting the multi-agency arrangements retain their separate statutory responsibilities in respect of safeguarding vulnerable adults and adult protection, whilst Halton Borough Council's Health and Community Directorate has a lead responsibility for coordination of the arrangements.

5.0

IMPLICATIONS FOR THE COUNCIL'S PRIORITIES

5.1

Children & Young People in Halton

None identified.

5.2

Employment, Learning & Skills in Halton

None identified.

5.3 **A Healthy Halton**

The safeguarding of vulnerable adults is fundamental to their health and well-being.

5.4 **A Safer Halton**

The effectiveness of Adult Protection policies; physical, emotional and economic to make Halton a safe place of residence for vulnerable adults.

5.5 **Halton's Urban Renewal**

None identified.

6.0 **RISK ANALYSIS**

6.1 Failure to address a range of safeguarding adult issues could expose individuals to abuse.

6.2 The scrutiny report makes recommendations to mitigate risks for vulnerable adults in Halton.

7.0 **EQUALITY AND DIVERSITY ISSUES**

7.1 It is essential that the Council addresses a range of equality issues, in particular those regarding race, gender, sexuality and disability when considering its safeguarding policies.



2008-09

Annual Report

of

Halton's Multi-Agency

Safeguarding Adults

Board

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1. FOREWORD FROM CHAIR OF THE SAFEGUARDING ADULTS BOARD

As the recently appointed chair of Halton's multi-agency Safeguarding Adults Board, I am pleased to present this Annual Report, which describes how organizations and committed individuals in all sectors are working together to safeguard vulnerable people.

This has been another productive year for Halton and the Safeguarding Adults Board and has also seen a number of important and influential events nationally.

Locally, partner agencies dealt with more than 370 referrals of alleged abuse throughout the year, investigating those concerns, putting safeguarding arrangements in place and supporting people who find themselves in abusive situations.

As well as reporting on its work over the past year, the Board's fifth annual report explains the national context in which we all operate and lists our priorities for the coming year.

I want to assure local people and partner agencies of a continuing commitment to this work, which is essential to the quality of life and experience of people whose circumstances make them vulnerable.

Safeguarding adults is a complex and challenging area of work and I would like to thank all those involved for their vital contribution to the partnership.

Sue Wallace Bonner
Chair of Safeguarding Adults Board
Operational Director (Older Peoples Services) for Halton Borough Council (Health and Community Directorate)

2. NATIONAL CONTEXT

This has been an eventful year, which has seen a number of key drivers and developments in the context of safeguarding adults:

A review of '*No secrets*' (DH 2000) was launched by Phil Hope, Minister for Social Care, in October 2008, and is the most significant opportunity in eight years to address the way that local adult safeguarding activity is supported and directed by national guidance and/or legislation. Phil Hope MP said: "This consultation paper is about learning. It is about how we as a society learn to empower people - both the public and the professionals – to identify risk and manage risk. It is about how we empower people to say no to abusive situations and criminal behaviour. It is about locating safeguarding in the wider agenda of choice and control. It is about recognising safeguarding as everyone's business. It is about identifying the tools we need for better safeguarding." The consultation was aimed at everyone including, for example, questions for social workers, housing officers, police officers, lawyers, members of the public and people who use safeguarding/adult protection services.

The charity, Action on Elder Abuse have undertaken a high profile and concerted campaign for Adult Protection legislation and the Law Commission is reviewing a number of pieces of legislation, which it is anticipated will include safeguarding.

Adult social services continue to prepare for meeting the challenge of developing the *Putting People First* agenda in their service cultures and operational arrangements. A significant aspect of this is addressing the tension between facilitating self-directed support and safeguarding those whose circumstances make them vulnerable.

The Commission for Social Care Inspection (CSCI) carried out a programme of themed inspections of local authority adult social services, each incorporating a significant scrutiny of safeguarding arrangements. Bolton's safeguarding adults service was rated 'excellent' and officers from Halton recently attended an event hosted by Bolton, to see what we can learn from them to benefit the service we provide to people locally.

Reports arising from the inspections can be found on the Care Quality Commission (CQC) website:

http://www.cqc.org.uk/publications.cfm?widCall1=customDocManager.search_do_2&cl_id=2&top_parent=4938&tax_child=4940&search_string=

The Commission for Social Care Inspection, the Healthcare Commission, and the Mental Health Act Commission ceased to exist

on 31 March 2009, when the Care Quality Commission (CQC) became the independent regulator of health and social care in England from 1 April. The CQC will regulate health and adult social care services, whether provided by the NHS, local authorities, private companies or voluntary organisations and will have a remit to protect the rights of people detained under the Mental Health Act.

The CSCI produced the findings of two studies carried out nationally, into the views of people who use safeguarding services and other key people and organisations (which will contribute to the review of 'No Secrets') and a study of the effectiveness of safeguarding services. The reports can be found at the CQC website:

<http://www.cqc.org.uk/publications.cfm>

Elements of the Safeguarding Vulnerable Groups Act 2006 came into force during the year, when the Independent Safeguarding Authority (ISA) took over decision-making authority from the Protection of Vulnerable Adults (PoVA), Protection of Children Act (PoCA), List 99 and Disqualification Order systems. The ISA scheme has a much wider remit than current provision for vetting and barring staff and volunteers 'employed' to work with vulnerable people, affecting more workers and professions than before. As a result, safeguarding will be improved, with more professions and specific job roles closed to those who are barred under the new lists. The ISA is an independent body with its own remit and barring criteria, which may differ from the current regimes. The scheme goes fully 'live' in October 2009 and will be introduced through a phased approach in order to extend the current 'vetting and barring' and registration arrangements.

The first international Anglican conference, 'Creating a Safer Church', was held in 2008. The conference unanimously agreed and endorsed the advantages of information sharing and networking, and recommended that a report would go to the Anglican Consultative Council seeking support for this.

Despite any statute and regulation, policy and guidance, throughout the year a number of vulnerable adults and children suffered abuse at the hands others and in some cases tragically died.

- In Hounslow, a family were effectively 'imprisoned' in their own home, a flat rented from the local council, where they were repeatedly assaulted and abused by local youths. The parents, each of whom had learning difficulties, had applied to move to alternative accommodation but recommendations for re-housing had not been acted upon by the local authority. The resulting legal judgement clarified the duty of care of councils
- The Healthcare Commission report into the appalling state of affairs at the Mid Staffordshire NHS Foundation Trust stated that there

were deficiencies at "virtually every stage" in the care of people admitted as emergencies.

- The Commission also published a joint report with the Commission for Social Care Inspection (CSCI), and the Mental Health Act Commission (MHAC), reviewing how councils and Primary Care Trusts (PCTs) commission services on behalf of people with a learning disability.
- 'Six lives: the provision of public services to people with learning disabilities' was the Ombudsman's response to the report 'Death by Indifference' which related some significant and distressing failures in service across both health and social care, leading to situations in which people with learning disabilities experienced prolonged suffering and inappropriate care.
- The tragic death of 'Baby Peter' in Haringey led to a review of the way the case was dealt with, the local safeguarding children service and child protection arrangements nationally, which is ongoing.

Whether concerning adults or children, all of these events provide us with opportunities to consider our local safeguarding arrangements, to learn from the events that have led to abuse and how they might inform the way we work together and individually.

3. HALTON SAFEGUARDING ADULTS BOARD VISION

As a Board, our vision for adults who are vulnerable to abuse is encompassed in the following statements:

- ✓ *“A Halton where vulnerable people are safe from abuse/harm; empowered to make their own choices and to choose risks; where the professionals are supported and developed to deliver this.”*
- ✓ *“The Safeguarding Adults Board will lead and co-ordinate multi-agency strategy and direction, with energy and commitment, to achieve our shared vision.”*
- ✓ *“By working together with top-level commitment from all agencies, the Board will raise awareness and inspire positive changes in people’s lives.”*

4. KEY DEVELOPMENTS & LOCAL ACTIVITY 2008-09

4.1 WORKING TOGETHER

4.1.1 STRATEGIC FRAMEWORK AND LINKS WITH RELATED SERVICES

At the centre of local developments are:

- The multi-agency strategic decision-making body, the Safeguarding Adults Board (SAB)
- Sub-groups of the SAB
- Links with related services
- Individual partner agency developments

The SAB and sub-group structure and reporting mechanisms, SAB Terms of Reference, membership and list of people SAB minutes are circulated to, appear in Appendices 1 – 4 of this annual report. Sub-groups are multi-agency and their membership, terms of reference and work plans are available, on request, from the Adult Protection Coordinator (Julie.hunt@halton.gov.uk Tel: 01928 704523).

SAB and sub-group members' meeting attendance, contributions and commitment continue to be invaluable. Meetings provide the arena for developing Halton's safeguarding arrangements, and the consultation and decision-making involved in moving forward our challenging agenda to combat abuse. It is important to recognise and acknowledge that this is underpinned by a sound, ongoing commitment to effective inter-agency working and the vital contribution made by organisations and individual staff and volunteers in all sectors.

Achievements this year have included the following:

- Safeguarding Adults Board (SAB) held an **Away [half] Day** in January 2009, where we compiled a SAB response to the consultation on the **review of 'No Secrets'** and reviewed & prioritised the SAB **Work Plan**. The event was well attended by SAB members.
- Continued to contribute to **regional forums** e.g. Adult Protection/Safeguarding Coordinators, review of 'No Secrets', Commission for Social Care Inspection (CSCI) presentation of 'Safeguarding Adults' report
- A North West forum of Safeguarding Adults Coordinators was set up, chaired by Dwayne Johnson, Strategic Director, Halton Borough Council, with the aim of promoting good practice and shared learning.

- SAB members are kept informed of significant **national news and events** regarding safeguarding vulnerable adults and related matters, including those that provide potential for local developments
- Partner agencies encouraged to appoint **Safeguarding Vulnerable Adults leads** and many of those represented on the SAB do so. Protocols support this good practice.
- **Local Protocols** exist between Cheshire Constabulary (Northern Public Protection Unit – in respect of Halton area) and Halton Borough Council (HBC), and between four NHS Trusts and Halton Borough Council, and are regularly reviewed
- A protocol between **children’s and adults services** has been implemented and reviewed
- **National protocols** are accessed and disseminated as appropriate
- Regular **management liaison meetings** occur between the NHS Trusts & HBC and the Police & HBC, monitoring the implementation of protocols and addressing other strategic and operational arrangements
- Developed and implemented **Deprivation of Liberty Safeguards (DoLS)** policies and procedures across health and social care services, to ensure that vulnerable people who lack capacity to make decisions about their living circumstances have the opportunity to have their situation reviewed on a regular basis and be managed under the least restrictive regime
- Increased the numbers of people referred to the **Independent Mental Capacity Act (IMCA) service** and taken steps taken to raise awareness
- Adult Protection Coordinator now attends the **Learning Disabilities Partnership Board**, to strengthen arrangements for safeguarding individuals in the local community affected by learning disabilities
- Links with Halton’s **Domestic Abuse Forum** continue, to ensure close working partnerships in preventing and dealing with domestic abuse involving vulnerable adults
- Meetings have been held with the aim of improving referral arrangements to **substance misuse and alcohol services**
- A Multi-Agency Risk Assessment Conference (**MARAC**) convenes meets monthly to consider high risk domestic abuse cases

- The **secure email facility** set up for the Police to make referrals to HBC has been monitored
- **Community Safety** Manager and the Adult Protection Coordinator brought a paper to the SAB in September 2008, which looked at strengthening links between the related services
- Steps have been taken to raise awareness & encourage appropriate referrals to the **Intermediary (Witness Support) Service**
- Briefings provided to service **providers who contract with Halton Borough Council** e.g. on vetting and barring arrangements, restrictive physical interventions policy/procedures/guidance and training

4.1.2 INDIVIDUAL AGENCY DEVELOPMENTS and STATEMENTS OF COMMITMENT

Information received about agency commitment and progress in developing their internal safeguarding/adult protection arrangements includes the following:

AGE CONCERN MID-MERSEY

Philip Longworth, Chief Executive, provided the following statement:

Age Concern remains committed to ensuring that safeguards are in place to support vulnerable older people living within Halton. We value being part of the Safeguarding Board and working with other partners to raise awareness within the local community. Within Age Concern we strive to ensure that our staff and volunteers maintain and update their knowledge around this topic in a planned way, and will endeavour to ensure that older people are treated with dignity and respect through the safeguarding processes.

NHS HALTON & ST HELENS PRIMARY CARE TRUST

Helen Smith, Head of Safeguarding, provided the following information:

NHS Halton and St Helens Primary Care Trust provides community services to both adults and children across the boroughs of Halton and St Helens. The PCT also commissions services for its local population.

The PCT is committed to working in partnership with Halton Safeguarding Adults Board to ensure that vulnerable adults are protected from harm and supported in the most appropriate way.

The Community Health Services, the provider arm of the PCT, appointed a Head of Safeguarding Adults in January 2009 and have subsequently developed a Safeguarding Co-ordinator role. These roles will ensure that all safeguarding issues are appropriately and effectively managed.

The Head of Safeguarding is a member of the Safeguarding Adults Board in both Halton and St Helens boroughs.

Community Health Services are putting forward a positive plan to promote the Safeguarding Agenda.

The PCT will ensure that safeguarding issues are highlighted in all contract discussions with providers of healthcare services.

5 BOROUGH PARTNERSHIP NHS TRUST

Marie Worthington, Lead Nurse Vulnerable Adults and Head of Service (Substance Misuse), provided the following statement:

Enhanced partnership working and the recognition of the need to improve multi agency data collection to provide a trends analysis will enable the data to be utilised as a planning tool in the prevention of abuse of vulnerable adults and perpetrators who may be vulnerable themselves. I hope to have a simple system in place by the end of June 2009, as a starting point.

Hope to have a simple data collection and reporting system in place by the end of June as a starting point.

HALTON BOROUGH COUNCIL

Halton Borough Council's Health and Community Directorate continues to take a **lead role** in developing our local multi-agency arrangements, including service developments, support to the SAB and sub-groups and their work plans, training and publicity.

Self-Directed Support - A Self Directed Support Group has been established with identifiable work streams including finance, self-assessment, personal budgets commissioning, workforce and outcomes. The tension between facilitating self-directed support and safeguarding people whose circumstances can make them vulnerable to abuse will be addressed through this forum.

In both Day Services and Halton Supported Housing Network (HSHN) **services for adults with learning disabilities**, the commitment to safeguarding vulnerable adults is a priority. All staff have been through adult protection training and the service has developed its own internal training which is frequent and regularly updated. The service commissioned a Quick Guide to Policies and Procedures which focused on those policies critical to front line staff - Safeguarding being one of those included. Policies and procedures are part of the fixed agenda for all staff supervision, team meetings and house meetings with tenants. A regular Quality Assurance Group (QAG) facilitated by an independent voluntary organization, Halton Speak Out (HSO) is held 4 times per year based on the Reach* standards. HSO are also involved with service users in Day Services and report back to management with any concerns across a range of issues - Safeguarding included. HSHN was awarded a three star rating by the Commission for Social Care Inspection (CSCI) in February 2009,

reflecting the work done around safeguarding and other service provision.

(*For more information on Reach standards, follow the link below):

http://www.paradigm-uk.org/articles/Reach_Standards_in_Supported_Living/52/43.aspx

ST HELENS & KNOWSLEY TEACHING HOSPITALS NHS TRUST

Tina Cavendish, Safeguarding Adults Lead and Senior Nurse - Clinical/Quality Standards, provided the following information:

St Helens and Knowsley Teaching Hospitals NHS Trust is committed to actively promoting the well being of vulnerable adults and ensure patients in its care are protected from abuse.

We are looking forward to having a safeguarding adult committee that is strongly rooted in the governance agenda. We will ensure the committee is robust in its expectations of high quality safeguarding in the Trust.

Achievements in the past year have included the following:

- An internal review by the Trust safeguarding adult committee has reviewed progress and identified priorities for action
- Trust now has access to Knowsley's E-learning Safeguarding Adult package
- Safeguarding Adult monitoring form updated
- Safeguarding Adult Flow chart updated
- "A duty to Safeguard Adults" poster updated and now include SA advisory team names and contact numbers
- Safeguarding adult group email set up enabling staff to contact advisory team for assistance
- The Trust's Human Resources Department are preparing for implementation of the Safeguarding Vulnerable Groups Act (2006) in October 2009, including delivery of awareness sessions with various groups of people within the Trust, informing them of the changes it will bring about.

WARRINGTON & HALTON HOSPITALS NHS FOUNDATION TRUST

Simon Wright, Director of Operations and recently appointed Executive Safeguarding Adults Lead, provided the following information:

Funding has been secured to invest in a whole time equivalent Safeguarding Adults Matron post for the Trust, who will attend relevant sub-groups

The Executive Lead will attend the Safeguarding Adults Board and will ensure that the new post-holder has a good understanding of the various stakeholders so they can play an active role across the Trust in this important area.

The trust provides a multi-agency Vulnerable Adults Committee that oversees safeguarding arrangements.

CHESHIRE CONSTABULARY

Cheshire Police (Northern Public Protection Unit) provided a written response to the findings of **research** undertaken by the University into service users' and carers' experience of vulnerable adults service and attended a conference to present the response.

Halton's **MARAC** (Multi Agency Risk Assessment Conference) process, which is chaired and administered by the Police, is firmly embedded within its domestic abuse strategy. The MARAC is held monthly and contributes towards safeguarding vulnerable adults through a range of multi agency interventions.

4.2 RAISING AWARENESS

4.2.1 TRAINING AND DEVELOPMENT

Our training and development plans aim to provide for a skilled, informed workforce and community that recognises abuse and its signs, is enabled to prevent abuse where possible, knows what to do when abuse happens or concerns arise, and are able to fulfil their responsibilities. Our aims are to ensure that vulnerable people are effectively safeguarded, whilst facilitating independence and ensuring a timely and appropriate response when allegations or concerns are raised.

Achievements this year have included the following:

- Delivered, developed and evaluated a **suite of courses**, which are in-line with National Minimum Standards and Skills for Care Sector Skills Agreement. Courses continued to be provided by Halton Borough Council, in consultation with partner agencies, and included the following:
 - Multi-agency Basic Awareness courses held centrally
 - Onsite Basic Awareness courses held Feb/March 2009 at North Cheshire Hospitals
 - Basic Awareness courses provided Oct 08 & March 09 for Elected Members
 - Multi-agency Referrers courses
 - Investigators training for Council managers and social work practitioners
- Referrers, Chairing Skills & Investigators **courses reviewed**
- **Police** provided **input** on some training courses
- **Train the Trainer course** designed and commissioned for 2009-10, including input from Trainer and Halton Borough Council Training Officer and an information pack and DVD to support delivery
- Developed an **electronic training** package
- Re-tendered a **training provider contract** & agreed content of training and handouts.
- Produced **guidance** on **Refresher/Update training** and disseminated it to partner agencies and service providers
- With Halton Borough Council's Children and Young Persons' Directorate, took action to ensure **better information flow in schools** that take young people aged 18years and over

- Implemented a policy of **charging [for non-notified] non-attendance**, with the aim of improving attendance and better use of training resources
- **Contract** between Halton Borough Council and service providers **reviewed** in terms of training attendance and staff development
- Provided a further briefing on Multi-Agency Public Protection Arrangements (**MAPPA**) to Adult Social Care staff and managers
- Considered adequacy of arrangements for training in respect of generic **Restrictive Physical Interventions** policy
- **Training feedback form** reviewed & revised, whilst recognising that the feedback form is only a first stage in eliciting whether training was useful and affected practice
- Details of training courses and refresher training guidance added to Safeguarding **website**
- Drafted **Terms of Reference & Action Plan** for Training and Development Sub-group
- Sought more secure **representation on the Training and Development Sub-group** from NHS Trusts and representation from the voluntary sector
- Considered ways to **extend distribution of training course adverts** to a wider group of Halton Borough Council staff
- **Extended distribution** of training course adverts, particularly in the third sector – to include, for example, faith groups
- Training **feedback monitored**. The majority was positive, but any that raised concerns was dealt with via an individual action plan and subsequent monitoring
- Addressed issues of concern about a training **venue** used for Referrers courses
- All training **attendance and non-attendance** fully recorded and some targeted analysis

Basic Awareness **training attendance** and overall attendance increased in 2008-09, as follows:

	2007-08 Number attended	2008-09 Number attended	Increase	% Increase
Basic Awareness course attendance	97	480	383	395%
TOTAL training course attendance	305	663	358	117%

4.2.2 PUBLICITY & COMMUNICATION

Getting the message across continues to be one of the most important elements of our safeguarding/adult protection work it can:

- Raise awareness of what constitutes abusive behaviour
- Help people to know what they can do to prevent abuse from happening and what to do if they believe someone is being abused
- Act as a gateway to empowering vulnerable people to keep safe and to seek help when abuse happens
- Support other people, including paid and unpaid carers, in fulfilling their responsibilities.

Achievements this year have included the following:

- Safeguarding Adults Board agreed to set up a **sub-group with a remit for publicity and communication**. Terms of reference and a work plan drafted
- **Staff leaflet** updated
- **Public Information flier** reviewed and updated
- Advertisement placed in **Halton Community Safety / Crime Reduction booklet**, which is delivered to over 42,000 addresses in Halton
- **Information widely distributed** with the revised version of 'Adult Protection in Halton – inter-agency Policy, Procedures and Guidance', to all agencies, organisations and groups that might have contact with vulnerable adults
- Briefing session provided to **Halton Housing Trust**
- Presentation and information stand provided at the **Supporting People Inclusive Forum**
- **Publicised research** undertaken locally by the University of Liverpool and Halton Borough Council's and Cheshire Constabulary's responses to the findings, through:
 - a **conference** to which all participants and other key people were invited
 - a local **press article**
 - publication on **websites** – University of Liverpool, Action on Elder Abuse, Halton Borough Council
 - in **collaboration with the University of Liverpool and Action on Elder Abuse**, provided a 'Knowledge Café' to which representatives from other localities were invited.

An introduction to the research, summary and full report are available on the University and Council websites:

www.halton.gov.uk/adultprotection

Safeguarding Vulnerable Adults/Adult Protection website

Halton Borough Council's (HBC) Internet and intranet Safeguarding Vulnerable Adults/Adult Protection WebPages have been updated on an ongoing basis. They contain general information and documents, and provide links to related sites such as Domestic Abuse, Safeguarding Children/Child Protection, Consumer Protection and Care Quality Commission (CQC).

(The following links can be used to access the Safeguarding Vulnerable Adults/Adult Protection Webpages):

(a) The **Internet**:

<http://www.halton.gov.uk/adultprotection>

<http://www.halton.gov.uk> - access via the A-Z index under 'Adult Protection' or 'Safeguarding Vulnerable Adults'.

(b) **Halton Borough Council's (HBC) intranet** Webpage can be accessed by HBC staff by using the following routes:

Follow the link:

<http://intranet/content/directorates/healthandcommunity/adultprotection/?a=5441>

Or:

Home page > Health and Community > Safeguarding Vulnerable Adults/Adult Protection link.

Cheshire Police and the four NHS Trusts that interface with Halton have **links to the Halton Borough Council Website/Safeguarding Vulnerable Adults page.**

4.3 INFORMATION AND MONITORING

4.3.1 DATA

Quantitative data does not reveal the human experience of the people to whom it appertains. Reliable data recording, analysis and reporting systems can, however, provide us with a picture of what abuse is being reported, how it is being dealt with and what the outcomes are for people who experience and perpetrate abuse, whether intentional or not. Data and trend analysis can be utilised as a planning tool in the prevention of abuse of vulnerable adults and also perpetrators who may be vulnerable themselves. By informing our developments and practice, provision of reliable and informative data can ultimately assist in improving the individual circumstances of vulnerable people in Halton.

Achievements this year have included the following:

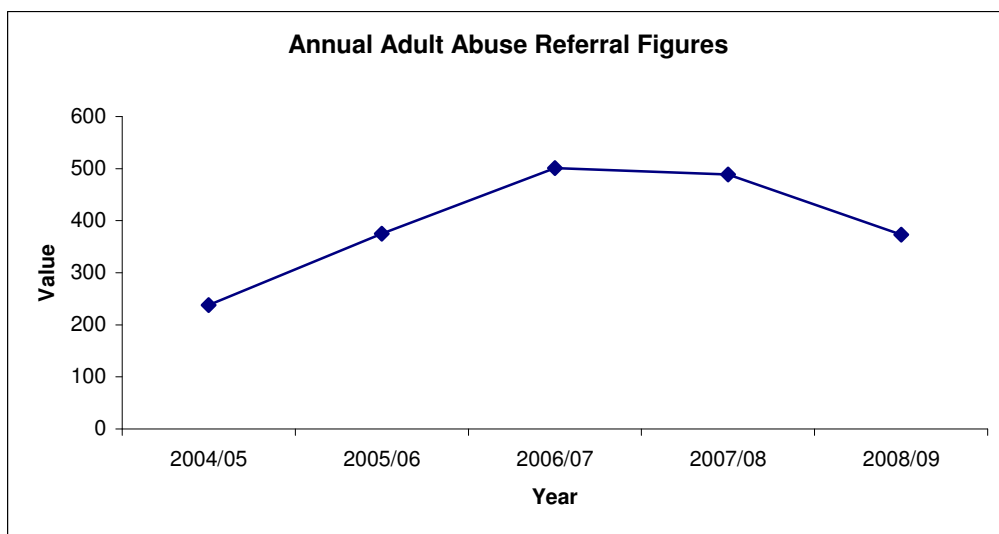
- Enhanced partnership working has led to an acknowledgement of the need to improve multi agency data collection and reporting. NHS Trusts (the 5 Boroughs Partnership, NHS Halton and St Helens [PCT], St Helens & Knowsley Hospitals, and Warrington & Halton Hospitals) and Cheshire Police (Northern Public Protection Unit [PPU]) have committed to providing systems that will report data to a central reporting point and are developing their internal systems accordingly. The Trusts have agreed timescales for progress, and have been informed of the national data set issued by the Information Centre for implementation by local authorities. The Police are aiming to provide data on cases dealt with by officers operating outside of the specialist PPU.
- Halton Borough Council (HBC) has collected data about referrals received during the year and this has informed the graphs and commentary provided below
- Until recently, no nationally recognised or mandatory system or data set existed for the collection of safeguarding adults/adult protection data. This omission was remedied in March 2009, when a data set that had been piloted in 2008 was issued for implementation by local authorities by October 2009. The Council's safeguarding adults/adult protection case recording and data collection form has been developed to incorporate the data set
- In Halton Borough Council, monthly reports of outstanding cases and timescales for conclusion have been refined to define those open for longer than a given timescale. This aims to encourage follow up to ensure timely conclusion and closure of open records on concluded cases

Presentation of Local Data and Commentary

Table 1, below, shows the **total number of referrals in Halton**:

- Rose by a total of 110% over a 3-year period 2004-05 to 2006-07
- Fell by just over 2% in 2007-08
- Fell a by further 24% this year, 2008-09:

Table 1

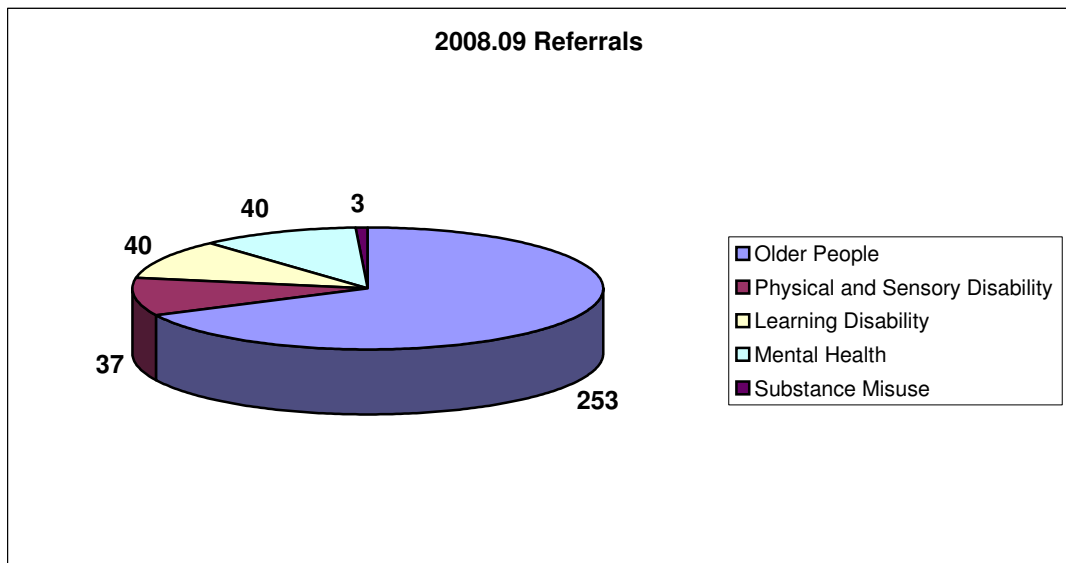


On the face of it, the fluctuation in referral numbers could be seen as a cause for concern. Comparable information from the development of child protection, however, which is several years ahead of the safeguarding adults agenda, shows that high reporting levels do not necessarily mean higher prevalence and is more likely to be a reflection of local action to raise the profile and awareness through, for example, publicity and staff training.

The decrease from 2007-08 to date could be ascribed to work done with the assessment and care management teams, on screening possible safeguarding referrals to better enable managers and staff to distinguish safeguarding allegations from other concerns, providing guidance on options of approach depending on circumstances.

Halton’s referral numbers by service user group during 2008-09 show the greatest number of alleged victims to be older people, followed by people with learning disabilities and those with mental health issues, followed by those with physical & sensory disabilities, with a small number of those who misuse substances:

The pattern of relative proportions of Halton’s **referrals** by **service user group** sees both slight and significant variations **from 2007-08 to 2008-09**:



	2007-08		2008-09	
	Number of Referrals	% of Total Referrals	Number of Referrals	% of Total Referrals
Older People	262	54%	253	67.75%
Learning Disabilities	142	29%	40	10.75%
Physical/Sensory Disabilities	54	11%	37	10.0%
Mental Health	31	6%	40	10.75%
Substance Misuse	0	0%	3	0.75%
TOTAL	489		373	

Data provided by Halton Police Public Protection Unit (PPU) shows the following **Criminal Justice System involvement by the PPU** during **2007-08 and 2008-09**:

	Referrals (Number not known for 2007-08)		Police Involvement		Police Investigation		Crown Prosecution Service (CPS) Advice		Alleged Perpetrator Charged	
	2007-08	2008-09	2007-08	2008-09	2007-08	2008-09	2007-08	2008-09	2007-08	2008-09
Runcorn	-	33	12	7	21	8	3	1	0	1
Widnes	-	29	6	15	11	4	3	1	1	1
TOTAL	-	62	18	22	32	12	6	2	1	2

(* **Police involvement** means specialist Police Officer has given advice only and not physically left the office).

(* **Police Investigation** means specialist Police Officer attended strategy meetings or case conference or the alleged perpetrator voluntarily attending the Police station for an interview under caution).

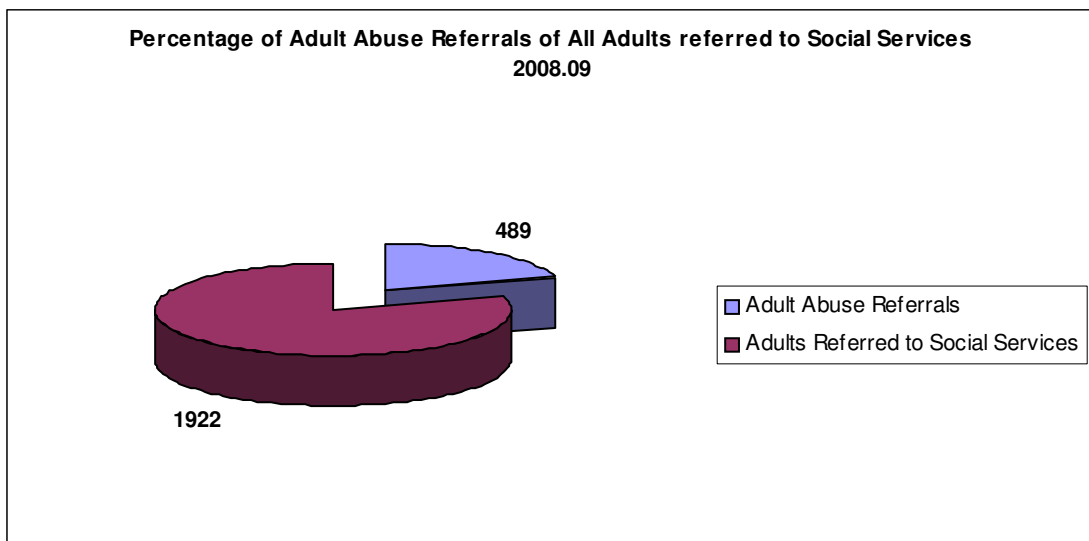
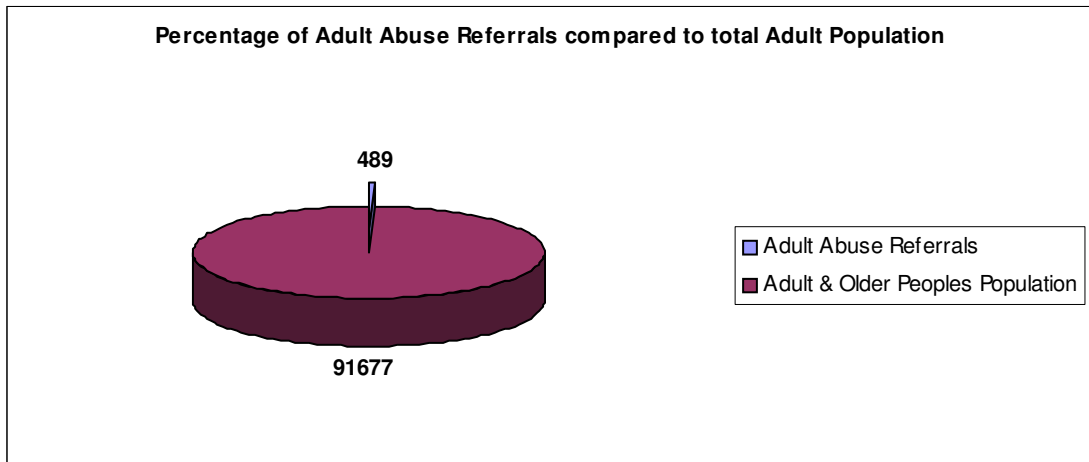
The data provided in the above table **relates only to Public Protection Unit investigations** and does not reflect investigations across other policing departments that will at various times deal with vulnerable adult victims. It should also be seen in the context of the reduction in referrals shown in Table 1, above.

Police colleagues have explained that the above data supplied from their records cannot be guaranteed totally accurate, but if anything is likely to be an under-estimate rather than an over-estimate. More reliable data is anticipated next year.

The method of collection and analysis of data provided by the Police is being reviewed and steps taken, where possible within the constraints of IT systems, to provide a more detailed picture of all Police involvement in cases of alleged vulnerable adult abuse.

The following two charts show the **percentage of alleged adult abuse referrals compared with**:

- **The total adult population in Halton and**
- **The total number of adults referred to Halton Adult Social Services.**



4.3.2 SCRUTINY AND QUALITY

The Safeguarding Vulnerable Adults Partnership Board reports into the Safer Halton Partnership (<http://www.haltonpartnership.net/site/>), where support for safeguarding activities has continued to be demonstrated.

The Annual Report of the Safeguarding Adults Board is also presented to and scrutinised by the Safer Halton and Healthy Halton Policy and Performance Boards of Elected Members, and to the Domestic Abuse Forum and Learning Disabilities Partnership Board.

One of the main mechanisms for checking standards of safeguarding/adult protection work in operation is individual agency line management and supervision.

The multi-agency Scrutiny/Quality sub-group also has a remit to consider the quality of the service, make recommendations for improvement and monitor action plans, including those arising from cases that have given rise to concern either locally or in other areas.

Achievements this year have included the following:

- The **University of Liverpool** produced a final report of the findings of 2 years of **independent research** conducted into service users' and carers' experience of the safeguarding service, and Halton Borough Council and Cheshire Police each provided a full response. (The Publicity and Communication section of this annual report explains how the research was publicised.). The findings provided valuable opportunities for us to improve the local service
- Halton's Policy and Performance Boards set up a **Scrutiny Review Topic Group of Elected Members** with a brief to scrutinise the Safeguarding/Adult Protection service. The group reported its findings (which were, on the whole, positive) and recommendations in August 2008. Recommendations have been taken forward through work plans, progress reviewed and two were deferred for further consideration by members
- Supporting framework for the **Scrutiny/Quality sub-group** has been developed and the group started to operate during 2008
- The Scrutiny/Quality sub-group has considered **learning opportunities** arising from cases in other localities:
 - a legal judgement made with regard to a council's duty of care to a family in Hounslow
 - the death of Baby Peter, in Haringey
- Halton Borough Council set up an internal **Safeguarding Performance Group**, with terms of reference and an action plan focussed on improving standards of recording, data collection and

information reporting. This aims to provide a better quality of information to form a basis for the work of the scrutiny group.

- Warrington and Halton Hospitals NHS Trust have a **Safeguarding Vulnerable Adults Committee** that has a remit for dealing with issues of service quality and improving Trust and partnership working
- Halton Borough Council's safeguarding adults/adult protection case recording and data collection form has been developed (in draft) to incorporate **service user or carer comments** on the safeguarding process & any **learning points** and how they have been disseminated
- Devised a **framework for Halton Borough Council Contact Centre Advisors** to use when receiving referrals
- Reviewed the **contract** between Halton Borough Council and service providers and the content of **service specifications for Domiciliary Care & Care Homes** to ensure robust in respect of safeguarding arrangements, including staff recruitment, supervision, training
- Links between Halton Borough Council's **Customer Care** service and Safeguarding Vulnerable Adults service further strengthened.

4.4 POLICIES, PROCEDURES & GUIDANCE

Policies, procedures and guidance provide a sound value base, consistent and considered approach, facilitate compliance with statutory requirements and good practice standards, support line management and supervision and provide a sound operational framework. They aim to contribute to effective service provision to vulnerable people and carers, preventing abuse from occurring and supporting us in dealing with it effectively when it occurs.

Achievements this year have included the following:

- Revised version of '**Adult Protection in Halton – Inter-agency Policy, Procedures and Guidance**' distributed, along with training and publicity details and other information. Distribution extended to include over 100 additional third sector organisations, including faith groups, advocacy services and all voluntary sector organisations known to operate locally
- NHS Trusts and Halton Borough Council are continuing to develop their **internal policies, procedures and practice guidance**
- **Professional Boundaries Handbook** for social care staff in Halton Borough Council completed and shared with partner agencies and contracted providers. Will be provided to all staff through induction and line management.
- **Restrictive Physical Interventions Policy, Procedures and Guidance*** reviewed, and extended to be **generic**. Agreed by the SAB and for implementation in Halton Borough Council and NHS Halton and St Helens (PCT)
- Produced **draft checklist for Halton Borough Council managers** in a supporting role to staff against whom allegations are made. Passed to corporate personnel & trade union to take forward.
- Further development of criteria/guidance for Halton Borough Council managers **screening possible safeguarding referrals**, including case examples and flowcharts, to better enable staff to distinguish safeguarding allegations from other concerns, providing guidance on options of approach depending on circumstances.
- **Case recording and data collection form** further developed to incorporate service quality standards e.g. advocacy, service user/carer comments and learning points.
- The Practitioners Group and the Safeguarding Adults Board are often **consulted** in the development of policies, procedures and guidance that are intended for internal application in Halton Borough Council only. Final **documents are shared** to enable other agencies, including service providers, to adopt or adapt them where applicable.
- All relevant **documents are available on the Internet**, via Halton Borough Council's website at :<http://www.halton.gov.uk/adultprotection> - also accessible via links from partner agencies websites.

4.5 PREVENTION OF ABUSE

The Safeguarding Adults Board's vision is of a Halton where vulnerable people are safe from abuse/harm, whilst being empowered to make their own choices and to choose risks.

Crucial to working towards achieving this aim are the actions we take to prevent abuse from happening or to prevent it from happening again when it has occurred.

Achievements this year have included the following:

- Implemented measures to **minimise risks posed by people** who have a known history of abuse or who are likely to pose such risk, such as the Multi-Agency Public Protection Arrangements [**MAPPA**], Multi-Agency Risk Assessment Conference [**MARAC**], referral to the Protection of Vulnerable Adults [**PoVA**] Scheme and Independent Safeguarding Authority (**ISA**).
- Effectively **supported people** at home or in other settings, promoting independence and options whilst putting safeguards in place, as part of care and support planning and service provision.
- Offered **Direct Payments recipients** the opportunity to take up Criminal Records Bureau (CRB) checks on people they seek to employ.
- **Appointee and Receivership** arrangements pursued where indicated appropriate.
- Provided **effective support arrangements** to prevent abuse from occurring, especially where there is potential for it to occur as a result of ignorance, poor practice or lack of support for carers.
- Promoted **effective quality assurance mechanisms**, through contractual and monitoring arrangements and the scrutiny and action planning supported by the Scrutiny/Quality sub-group.
- Reviewed and further strengthened **contracts** between Halton Borough Council and service providers, incorporating Safeguarding standards
- Contributed to consultation to inform **commissioning plans**
- Implemented effective **policies, procedures, guidance and other information** that seek to prevent abuse and enable people to act upon concerns and disclosures.

The Inter-agency Policy, Procedures and Guidance, staff leaflet, professional boundaries handbook, and restrictive physical interventions policy and procedures are examples of these.

- Started to plan for provision of a **Handyperson** scheme to enable minor repairs to be carried out by vetted staff.
- Through training and publicity particularly, **raised the awareness** of vulnerable people, the public, staff and volunteers, to enable them to recognise what constitutes abuse, how it can be prevented and what are the consequences of abuse, both for the victim or survivor, for the perpetrator and for those who have been culpable in abusive situations.
- Further worked with the Police and other partner agencies and related services, to provide a **conduit for referral by the Police** particularly into, for example, drug and alcohol, bereavement and health services. In some cases this will have helped to ensure that people who become known to the Police and experience a degree of vulnerability, but do not need the adult protection service at that time, have access to other support services that they need and which might prevent their level of vulnerability from increasing.
- Sought to **learn from past events** in both adults' and children's services and to further develop our arrangements for effectively working together.
- Promoted a culture of '**zero tolerance**' of abuse, ensuring that all referrals of alleged or suspected abuse are acted upon effectively and as a priority.

4.6 RESOURCES

Whilst “**No Secrets**” requires statutory agencies to work together in partnership with all agencies in the public, independent and voluntary sectors and with service users and carers, to ensure that local Policies and Procedures are in place to protect vulnerable adults from abuse, no additional funding has been made available from Government to achieve this objective.

Funding the service and costs associated with the Safeguarding Adults Board’s activities, during 2008-09, is shown in the table below.

Halton and St Helens NHS Primary Care Trust and North Cheshire Hospitals NHS Trust and 5 Boroughs Partnership NHS Trust contributed to funding the Adult Protection Coordinator post and training and committed the same funding for the years 2007-08 and 2009-10.

The University of Liverpool provided funding towards the cost of a conference held in July 2008.

Agency	Spending 2008-09 £
Warrington & Halton Hospitals NHS Foundation Trust	2,533
NHS Halton & St Helens Primary Care Trust	12,665
University of Liverpool	300
Halton Borough Council	57,789

The above figures do not include investment in leadership and front-line services.

Additionally, Halton Borough Council has invested more in multi-agency training this year, seeing a 56% increase over last year, as follows:

MULTI AGENCY SAFEGUARDING VULNERABLE ADULTS/ADULT PROTECTION EXPENDITURE		
	2007-08 Spend	2008-09 Spend
Basic Awareness	1050.00	4725.00
Referrers	1800.00	1800.00
TOTAL	£2850.00	£6525.00

5. CONCLUSION - OUTCOMES FOR SERVICE USERS AND CARERS

The Safeguarding Adults Board's overarching vision is of a Halton where vulnerable people are safe from abuse/harm, whilst being empowered to make their own choices and to choose risks.

The following are some of the outcomes we aim to ensure for people who use services and for their carers:

- People are able to live in safe and secure surroundings without fear of harassment, abuse or neglect
- People experience dignity and respect throughout the safeguarding processes
- Vulnerable people can make decisions about their living circumstances, have the opportunity to have their situation reviewed on a regular basis and managed under the least restrictive regime
- People receive a timely and appropriate response when allegations or concerns are raised
- People are able to receive information that they have a right to and, where appropriate, facilitates their taking informed decisions
- Support is provided by a skilled, informed workforce to ensure that people are supported at home or in other settings
- People receive support to manage risk
- People can maintain involvement in local activities, policy development and decision-making

6. PRIORITIES FOR 2009-10

- Continue to provide an effective multi-agency framework for operation, including the Safeguarding Adults Board and sub-groups with membership that reflects the safeguarding 'community'. **Review SAB and sub-group terms of reference, membership, sub-group work plans and reporting arrangements;**
- **Review the structure and capacity to respond;**
- **Implement recommendations arising from the review of 'No Secrets'**
- **Raise the local profile of safeguarding and raise awareness of abuse:** how to prevent abuse and what to do if concerned; engage people in securing a safer local environment;
- **Increase local knowledge** of safe working practices and processes through, for example, training and development, practice guidance and access to information;
- Ensure the maintenance of safeguarding as a high priority throughout the delivery of the **personalisation** agenda, whilst ensuring that service users and carers achieve increased choice and control;
- **Appoint a Dignity in Care Co-ordinator** who will ensure quality care and the dignity of service users, reporting to the Safeguarding Adults Board;
- **Appoint a Domestic Abuse Coordinator**, with a responsibility to link with the Safeguarding Adults Board;
- Ensure **clear routes for referral** and to allow concerns to progress to referral;
- Make safeguarding integral to service planning and development, and to operational practice;
- **Strengthen links** between agencies and services related to safeguarding vulnerable adults, starting with agreed shared definitions;
- Develop a **2-way secure email link** between Halton Borough Council and the Police and consider the viability of a similar arrangement with the NHS Trusts;
- Agree a **strategy for assuring quality** and consistency of approach and response across partner agencies and that actions are person centred, friendly towards the people involved, communications clear and understandable, and people involved are able to state their wishes and feelings;
- Further **develop data collection, reporting and analysis** arrangements, to implement national reporting requirements and also better inform quality monitoring and service development. Developments will incorporate implementing the revised (paper based) case recording and data collection form, an electronic recording form, and supporting IT system;
- **Pursue learning opportunities** available, to the benefit of the service to vulnerable people and carers;

- Ensure that evidence of **outcomes** is embedded in **performance management** frameworks so that they are monitored and reviewed appropriately;
- Re-commission **advocacy** services to support vulnerable adults in relation to safeguarding investigations, increasing significantly the profile within the contract, with timely access to advocacy support being a key component;
- Strengthen the focus on **prevention of abuse**, for example ensuring safeguards are built into commissioning and contracting arrangements
- Ensure that **information** is updated;
- Conclude the review of Halton Borough Council Adult Social Care (ASC) **MARAC** arrangements and take forward recommendations about the operation of the multi-agency forum and HBC ASC's internal arrangements.
- Keep the provision of the Independent Mental Capacity Advocate (**IMCA**) service under review to ensure it is available to service users with a right to access

Other actions planned:

Training & Development

- Gain full commitment from **Police to input** on increased number of selected courses
- Provide a comprehensive **Train the Trainer course** with follow up
- Extend the review and **analysis of training attendance** data
- **Increase training attendance** and target action where appropriate
- Review and broaden **training distribution**
- Review **MAPPA and MARAC training** provision
- Consider **voluntary sector training needs**
- Agree **Terms of Reference & Action Plan** for Training and Development Sub-group
- Further develop the **electronic training package**

Publicity & Communication

- Set up a **sub-group** with a remit to devise and implement a publicity and communication **strategy for raising awareness**
- Further develop the Safeguarding Vulnerable Adults/Adult Protection **website and access arrangements**
- Review and update the **accessible guide** and distribute widely
- Provide an **Information Pack** to all Supporting People providers

Scrutiny and Quality

- **Independent researchers** from the University of Liverpool will conduct further work to monitor the implementation of actions arising from their research findings. Provide local support for this work
- Review the terms of reference and operating framework, and develop a work plan, for the **Scrutiny/Quality sub-group**

- Continue to pursue actions arising from **learning opportunities** that will enable Halton's services to be developed
- Implement revised **case recording and data collection form** in Halton Borough Council, incorporating service quality standards, service user feedback, learning points, national standard data set and learning from external audit carried out in 2009
- Carry out **trends analysis and utilise the findings** in planning developments of the service, to better prevent abuse of vulnerable adults and provide a sound response to concerns

Policies, Procedures & Guidance

All single agency documents devised in Halton Borough Council are made available to partner agencies.

- Devise **Templates** for Meeting Minutes & Report to Safeguarding Meetings
- Review and revise Halton Borough Council's **Sexual Health Policy**, incorporating more on intimate relationships
- **Finalise and 'roll out' generic policy, procedures and guidance on Restrictive Physical Interventions to signatory agencies and others**
- Further extend provision of **Professional Boundaries Handbook** to other sections in Halton Borough Council, adapting it to be more readily applicable to other than 'social care' staff and other agencies
- Further support the development of **internal and inter-agency policies, procedures and guidance**, ensuring that the former ties in appropriately with the latter.

Prevention of abuse

Many of the actions and priorities stated above will be preventative in their effects.

- Continue to review what preventative measures are in place, and consider how we support their continuity and further develop safeguarding mechanisms.
- Promote implementation of the vetting and barring arrangements provided by the **Safeguarding Vulnerable Groups Act 2005**

Resources

- Review **funding** arrangements
- An additional **Detective Inspector (DI) post** will be provided in the Northern PPU of Cheshire Police, thereby providing a dedicated DI for the Halton area.
- Warrington And Halton Hospitals NHS Foundation Trust will be providing a **dedicated Executive lead and Safeguarding Coordinator**
- NHC Halton and St Helens Primary Care Trust will appoint a **Safeguarding Adults Coordinator**

7. USEFUL INFORMATION

- **‘Adult Protection in Halton – Inter-agency Policy, Procedures and Guidance’ Version 6 Revised 2008**
- **Other policies, procedures, protocols, practice guidance, leaflets etc**
Available on the Halton Borough Council website:
Internet: www.halton.gov.uk/adultprotection
Intranet:
<http://intranet/content/directorates/healthandcommunity/adultprotection/?a=5441>
- **“No Secrets: Guidance on developing and implementing multi-agency policies and procedures to protect vulnerable adults from abuse” Home Office and Department of Health 2000.**
Available on the Department of Health website at: www.dh.gov.uk
- **“Safeguarding Adults: A National Framework of Standards for good practice and outcomes in adult protection work” Association of Directors of Social Services (ADSS) Safeguarding Adults Network 2005** Available on the Association of Directors of Adult Social Services (ADASS) website at: www.adss.org.uk

STRUCTURE AND REPORTING FRAMEWORK



APPENDIX 2

SAFEGUARDING ADULTS BOARD TERMS OF REFERENCE

1. PURPOSE

The purpose of Halton's **Safeguarding Adults Board** (SAB) is to:

- 1.1 Act as a multi-agency partnership board of lead officers and key representatives, which takes strategic decisions aimed at safeguarding vulnerable adults in Halton.
- 1.2 Determine and implement policy, co-ordinate activity between agencies, facilitate training and monitor, review and evaluate the adult protection service.
- 1.3 Promote inter-agency cooperation, to encourage and help develop effective working relationships between different services and agencies, based on mutual understanding and trust.
- 1.4 Develop and sustain a high level of commitment to the protection of vulnerable adults.
- 1.5 Ensure the development of services to support people from hard to reach groups
"The terms "vulnerable" and "adult" are as defined in "Adult Protection in Halton – Inter-agency Policy, Procedures & Guidance" available at www.halton.gov.uk/adultprotection.

2. RESPONSIBILITY, ACCOUNTABILITY and REPORTING

- 2.1 Local agencies should work together within the overall framework of Department of Health guidance on joint working. The lead agency with responsibility for the establishment and effective working of the SAB is Halton Borough Council's Health and Community Directorate.
- 2.2 All agencies should designate a lead officer and, if necessary, a nominated other representative.
- 2.3 All main constituent agencies are responsible for contributing fully and effectively to the work of the SAB.
- 2.4 The SAB reports to the Community Safety Partnership through the Safer Halton Partnership, which is chaired by the Chief Executive of Halton Borough Council and the Superintendent of Halton Police.

- 2.5 A formal report of the SAB will be compiled annually and presented to the Safer Halton Partnership, and other forums by agreement.

3. FUNCTIONS

The functions of the SAB are to:

- 3.1 Ensure that there is a level of agreement and understanding across agencies, about operational definitions and thresholds for intervention.
- 3.2 Develop, monitor, review and evaluate the implementation and effectiveness of Halton's SAB's work plan and sub-groups' work plans for the implementation of strategic decisions and policy.
- 3.3 Develop and keep under review, local policies, procedures, systems and protocols for inter-agency work to safeguard vulnerable adults.
- 3.4 Audit and evaluate the implementation and effectiveness of the safeguarding adults service and associated policies, procedures, systems and protocols.
- 3.5 Promote agreed policies, procedures and protocols to managers, staff, volunteers, service users and the public.
- 3.6 Arrange for information to be gathered and used in the evaluation of the adult protection service, through performance assessment and monitoring systems and through consultation with stakeholders.
- 3.7 Develop a training and development strategy, incorporating joint training where appropriate.
- 3.8 Facilitate training and ensure its delivery and evaluation, to help improve the quality of adult protection and inter-agency working.
- 3.9 Ensure that service developments take into account the needs of all vulnerable adults, regardless of their age, gender, race, sexuality, disability, religion or belief, who may experience discrimination and disadvantage.
- 3.10 Ensure that service developments take into account all relevant current legislation, including the Human Rights Act 1998.
- 3.11 Review national guidance and research information as it is issued, consider the implications and make recommendations for local implementation. Action and monitor such implementation.

- 3.12 Respond to consultation exercises where appropriate.
- 3.13 Commission serious case reviews where a vulnerable adult has died or, in certain circumstances, is seriously harmed, and abuse or neglect are confirmed or suspected, acting in accordance with Halton's Serious Case Review Procedure.
- 3.14 Improve local ways of working in the light of knowledge gained through national and local experience, research, Serious Case Reviews, internal and external inquiries, investigations and case studies. Ensure that practitioners benefit from learning and development attained through the SAB and that lessons learnt are shared, understood and acted upon.
- 3.15 Link with other agencies, sectors and forums that have a responsibility for protecting those at risk, such as Halton's Safeguarding Children Board, Domestic Abuse Forum and the Safer Halton Partnership, to ensure that both adult and child protection arrangements benefit from the learning, developments and work undertaken by the other, where appropriate.
- 3.16 Raise awareness within the wider community, of the need to safeguard vulnerable adults, explain how the community can contribute to this process, and facilitate such involvement.
- 3.17 Support and ensure the implementation of the development of quality standards for vulnerable adults, both locally and nationally.
- 3.18 Carry out an annual audit of alleged adult abuse and adult protection in Halton, through analysis of data and outcomes; report these and forecast developments, through the Annual Report of the Safeguarding Adults Board.

4. MEETINGS

- 4.1 The SAB will meet on a quarterly basis, with the schedule of meetings published in advance for a year. Meetings can be called more frequently as circumstances dictate.
- 4.2 The agenda will be prepared by the Adult Protection Coordinator, in consultation with the Chair of the SAB, and will be issued to all members at least one week before the meeting takes place.
- 4.3 Meeting agendas will progress the work plan.
- 4.4 All SAB members will be able to bring appropriate items to the agenda, through the Chairperson or Adult Protection Coordinator. Standing items on the agenda will be by agreement of SAB members.

4.5 The chairperson will arrange for minutes of meetings to be taken and a copy of the minutes sent to each SAB member and other people by agreement, including the Chairs of the Safer Halton Partnership, Practitioners Group and senior managers of public sector partner agencies.

4.6 The accuracy of minutes will be checked at the subsequent meeting.

5. SUB GROUP

5.1 Sub-groups are currently as follows:

- Training and Development
- Publicity and Communication
- Scrutiny and Quality
- Police and Halton Borough Council
- NHS Trusts and Halton Borough Council
- Halton Borough Council Safeguarding Performance Group

5.2 Other sub-groups may be set u for particular purposes on a short term or standing basis, by agreement of the SAB, to:

- Carry out specific tasks;
- Provide specialist advice;
- Represent a defined geographical area within Halton's boundaries.

5.3 All groups working under the auspices of the SAB will be established by the SAB, report to the SAB, and work to agreed terms of reference and work plans or a specific, stated purpose and lines of reporting to the SAB.

6. CHAIRING

6.1 The SAB will be chaired by a senior manager of Halton Borough Council's Health and Community Directorate, as the agency with lead responsibility for coordinating the arrangements for safeguarding vulnerable adults/adult protection in Halton.

7. ATTENDANCE CODE OF CONDUCT

Members of the SAB make the following undertakings:

7.1 To demonstrate a commitment to attend the meetings.

7.2 To submit apologies if they cannot attend.

7.3 To seek to arrange for an agreed representative to attend if the SAB member is unable to do so.

- 7.4 To send any agenda items to the chairperson at least two weeks before the meeting. Urgent items that arise outside this timescale can be raised through any other business on the agenda or as agreed by SAB members.
- 7.5 To feed back to their department/organisation/agency/sector and canvas views to bring to meetings where appropriate.
- 7.6 To act as a conduit between the SAB and the department/organisation/agency/sector they represent or whose views they reflect, to further the adoption of policies, procedures, guidance, protocols and other items endorsed by the SAB.
- 7.7 To listen to SAB members and other attendees and address comments to all attending.
- 7.8 Comments made by anyone attending the SAB, that contribute to any form of discrimination in respect of the age, gender, race, sexuality, disability, religion or belief of others, or the bullying or victimisation of others, are not acceptable and will be challenged by the chairperson and other SAB members.

8. MEMBERSHIP

- 8.1 In order to carry out its responsibilities effectively, the SAB will seek to have members from each of the main agencies in the public, private and voluntary sectors responsible for working together to safeguard vulnerable adults.
- 8.2 Members' roles and seniority will enable them to contribute to developing and maintaining strong and effective systems, policies, procedures and protocols.
- 8.3 The SAB will arrange to involve others in its work as needed, where they have a relevant interest.
- 8.4 Membership is detailed in a separate table that reflects changes and is routinely updated.

9. REFERENCES

No Secrets – Department of Health – 2000
Adult Protection in Halton – Inter-Agency Policy, Procedures and Guidance
Working Together to Safeguard Children – Department of Health, Home Office, DfES 1999

DATE TERMS OF REFERENCE REVIEWED: April 2009

TERMS OF REFERENCE REVIEW DATE: April 2010

APPENDIX 3**SAFEGUARDING ADULTS BOARD
MEMBERSHIP AT 31ST MARCH 2009**

ORGANISATION / SECTOR		<u>NAME</u>
HBC – Health & Community Directorate	Chair	Sue Wallace-Bonner - Operational Director – Older People’s Services
HBC – Health & Community Directorate		Audrey Williamson – Operational Director – Adults’ Services
Adult Protection Co-ordinator		Julie Hunt - Adult Protection Coordinator
HBC Legal Services		Lesley Baker - Solicitor
HBC Commissioning and Contracting		Angela McNamara – Divisional Manager – Planning & Commissioning
HBC - Self Directed Support		Marie Mahmood – Divisional Manager – Self-Directed Support
HBC - Assessment & Care Management services		Jacqui Maguire Safeguarding Adults Lead – Divisional Manager – Older People’s Services
		Helen Moir - Divisional Manager – Adults with Learning Disabilities and Physical & Sensory Disability Services
		Lindsay Smith - Divisional Manager Mental Health Services
NHS Halton & St Helens Primary Care Trust		Helen Smith – Head of Safeguarding
Warrington & Halton Hospitals NHS Foundation Trust		Sian Edwards - Matron
St Helens & Knowsley Teaching Hospitals NHS Trust		Tina Cavendish - Senior Nurse Quality/Clinical Standards & Safeguarding Adults Lead
5 Boroughs Partnership NHS Trust		John Kelly – Director of Adult Services
		Marie Worthington - Head of Service - Substance Misuse & Lead Nurse Vulnerable Adults

ORGANISATION / SECTOR		<u>NAME</u>
Police		Nigel Wenham – Detective Inspector – Northern Public Protection Unit Richard Langford – Detective Sergeant - Constabulary Headquarters
Drug Action Team		Steve Eastwood - Drug Action Team Manager
Domestic Abuse Forum		Awaiting appointment of Domestic Abuse Coordinator
Dignity Campaign		Awaiting appointment of Dignity Coordinator
Education – HBC		Teresa Miskimmon - Inclusive Learning Co-ordinator
Probation Service/MAPPA		Ian Smith – MAPPA Coordinator
Consumer Protection		Dawn Walton
Housing - Residential Social Landlords		Joe Edwards - ASB Floating Support Officer - Plus Dane Housing
		Alison Adzobu – Cannell Court – Housing 21
		Nicola Cagliarini - Supported Housing Team Leader - Liverpool Housing Trust
Halton Voluntary Action		Janet Roberts - Counselling Partnership Coordinator
Age Concern		Philip Longworth - Chief Executive - Age Concern
Carers Group		Diane Smith - Carer
Advocacy services		Mark Weights – Director - SHAP
Independent Sector Provider Services		Andrew Lyons – Manager - Woodcrofts
		Sheila Wood-Townend – Operations Manager - CLS Care Services
		Andrew Bain - General Manager - Carewatch
Halton Borough Council Provider Services		Ruth McDonogh – Divisional Manager
		Stiofan O'Suillibhan – acting Divisional Manager
Health & Social Care Regulator		Ann Gray – Regulation Manager – Care Quality Commission

APPENDIX 4

CIRCULATION LIST FOR MINUTES OF SAFEGUARDING ADULTS BOARD MEETINGS

- Chief Executive, Halton Borough Council (also Co-Chair, Safer Halton Partnership)
- Superintendent of Police (also Co-Chair, Safer Halton Partnership)
- Strategic Director, Health & Community Directorate, Halton Borough Council
- Chief Executive – NHS Halton and St Helens (Primary Care Trust)
- Chief Executive – 5 Boroughs Partnership NHS Trust
- Chief Executive – Warrington & Halton Hospitals NHS Foundation Trust
- Chief Executive – St Helens & Knowsley Hospitals NHS Trust
- Service Planning Manager - Policy & Support, Halton Borough Council
- Divisional Manager - Adult Learning and Skills Development, Halton Borough Council
- Chris Gwenlan – Cheshire Probation Service (Halton)
- Principal Manager - Customer Care & Information, Halton Borough Council
- Strategic Director, Children & Young People’s Directorate, Halton Borough Council
- Business Relationship Manager - Commission for Social Care Inspection
- Operational Director – Culture & Leisure, Halton Borough Council
- Operational Director – Health & Partnerships, Halton Borough Council
- Chief Crown Prosecutor – Crown Prosecution Service, Cheshire
- Learning Disabilities Partnership Board

REPORT TO: Safer Halton Policy & Performance Board

DATE: 17th November 2009

REPORTING OFFICER: Strategic Director Environment

SUBJECT: Environmental and Regulatory Services
Enforcement Policy

WARDS: Borough-wide

1.0 PURPOSE OF THE REPORT

1.1 To provide Members with a draft Environmental and Regulatory Services Enforcement Policy document for comment and endorsement.

2.0 RECOMMENDATION: That;

- 1) **Members receive and comment upon the report;**
- 2) **The Policy & Performance Board endorse the draft Environmental and Regulatory Services Enforcement Policy document; and**
- 3) **A report be presented to the Executive Board recommending the adoption of the Environmental and Regulatory Services Enforcement Policy.**

3.0 SUPPORTING INFORMATION

3.1 Effective and well-targeted regulation is essential in promoting fairness and protection from harm. However, the Government believes that, in achieving these and other legitimate objectives, regulation and its enforcement should be proportionate and flexible enough to allow or even encourage economic progress.

3.2 The Regulators' Compliance Code is a central part of the Government's better regulation agenda. Its aim is to embed a risk-based, proportionate and targeted approach to regulatory inspection and enforcement among the regulators it applies to. The Government's expectation is that as regulators integrate the Code's standards into their regulatory culture and processes, they will become more efficient and effective in their work. They will be able to use their resources in a way that gets the most value out of the effort that they make, whilst delivering significant benefits to low risk and compliant businesses through better-focused inspection activity, increased use of advice for businesses, and lower compliance costs.

- 3.3 The Code stresses the need for regulators with public and environmental protection functions to adopt a positive and proactive approach towards ensuring compliance by:
- helping and encouraging regulated entities to understand and meet regulatory requirements more easily; and
 - responding proportionately to regulatory breaches.
- 3.4 The Code supports regulators' responsibility to deliver desirable regulatory outcomes. This includes having effective policies to deal proportionately with criminal behaviour that would have a damaging effect on legitimate businesses and desirable regulatory outcomes. The Code does not relieve regulated entities such as businesses, public sector bodies, charities and voluntary sector organizations, of their responsibility to comply with their obligations under the law.
- 3.5 Currently, within the Council's Environmental and Regulatory Services Department, Environmental Health must have regard to the provisions of the Code when determining general policies or principles or when setting standards or giving general guidance about the exercise of general functions. However, it is good practice for the Department to be consistent in its approach and adopt the principles of the Code in its Enforcement Policy. Officers will continue to work in accordance with the general policies and procedures or guidance on inspections, investigations and enforcement activities required by their individual service area plans.
- 3.6 For a range of statutory requirements introduced in recent years, particularly in the area of Environmental Health, the Council has adopted various enforcement policies. These have now been reviewed and in the interests of clarity and consistency the intention is to produce a single 'top tier' Environmental and Regulatory Services Department Enforcement Policy setting out basic principles. These principles reflect national guidance and, in some areas, those being regulated will see a consistency of approach across the region.
- 3.7 To augment this top tier document, supplementary documents will be produced by each service area of the Department that will detail the processes and procedures that officers will use when deciding what action to take when carrying out their statutory duties. The content of each will supplementary document will vary and will cover, dependant upon the requirement of the particular service area, such matters as:
- (a) Task specific standards, enforcement options and considerations.
 - (b) Provision for shared enforcement roles with other regulators
 - (c) The particular interests of sectors of the community
 - (d) Management procedures to ensure implementation and compliance

- (e) The planning of enforcement activity
- (f) Dealing with notifications

- 3.8 An important part of the process will be consultation with the community and as the supplementary policies and procedures arising from the top tier policy are developed these will, in certain service areas, be subject to public consultation.
- 3.9 The draft Environmental and Regulatory Services Enforcement Policy (attached as Appendix 1) sets out, in broad terms, how the Council's Environmental and Regulatory Services Department will approach its role as an enforcement authority. It explains to members of the public, the business community and others the standards of service they should expect from the Council when exercising its regulatory functions, and the circumstances when various enforcement actions may be considered. The policy documents Halton's commitment to the principles of regulation and enforcement laid out in The Cabinet Office Enforcement Concordat and the statutory BERR Regulators Compliance Code.
- 3.10 The attached draft document replaces the current Enforcement Policy that was originally approved in 2001. Members are advised that there is a key risk that future enforcement actions taken by the Council may be contested if the authority cannot demonstrate that it has an up to date enforcement policy that recognises the principles of enforcement in the Cabinet Office Enforcement Concordat and the statutory BERR Regulators Compliance Code.
- 3.11 It is appreciated that the Regulatory Enforcement and Sanctions Act was introduced in 2008, however, the full implications of the Act are not yet known as there are Directives and Regulations the have not yet been made. The Act therefore creates the potential for a radical review of the attached Enforcement Policy in the future.

4.0 POLICY IMPLICATIONS

- 4.1 There are no new policy implications associated with this report.

5.0 IMPLICATIONS FOR THE COUNCIL'S PRIORITIES

5.1 Children and Young People in Halton

There will be close co-operation with schools and colleges in Halton to promote a clean borough.

5.2 Employment, Learning and Skills in Halton

No direct impact.

5.3 A Healthy Halton

The continuing development of the Council's strategy for improving environmental health standards, the environment and the appearance of the borough, shall have an overall beneficial affect on wellbeing.

5.4 A Safer Halton

Effective use of its regulatory powers will demonstrate that the Council is committed to dealing with environmental crime, nuisance and other breaches in legislation.

The continuing development of the Council's strategy for improving environmental standards and reducing environmental crime will have a positive impact upon the Safer Halton Priority, and contribute towards the 'Cleaner, Greener, Safer' agenda.

5.5 Halton's Urban Renewal

No direct impact, but overall environmental benefits should make the borough a more attractive location for investment.

6.0 RISK ANALYSIS

6.1 As detailed within the report, the key risk in failing to maintain an up to date Environmental Enforcement Policy is that future enforcement actions taken by the Council may be contested.

7.0 EQUALITY AND DIVERSITY ISSUES

7.1 The Department's regulatory services aim to be consistent and evenhanded in all regards. The enforcement policy is not intended to have either a positive or negative impact upon equality and diversity or apply differently to any particular group. The regulatory practice is to invite and seek feedback on its regulatory activities and to respond to any suggestion of differential impact.

8.0 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972

Document	Place of Inspection	Contact Officer
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8.1 There are no background papers within the meaning of the Act.

Appendix 1

Environmental And Regulatory Services Enforcement Policy

ENVIRONMENTAL AND REGULATORY SERVICES

ENFORCEMENT POLICY

DRAFT

HALTON BOROUGH COUNCIL

ENVIRONMENTAL AND REGULATORY SERVICES ENFORCEMENT POLICY

1.0 INTRODUCTION

This Enforcement Policy provides guidance to Members, Officers, businesses and the general public on the general approach to enforcement and the range of enforcement options that are available to achieve compliance with legislation enforced by Halton Borough Council's Environmental and Regulatory Services Department.

The primary objective of the policy is to achieve regulatory compliance, whilst recognising that prevention is better than cure. However, it also promotes formal action, where appropriate. There are a wide range of tools available to the Council, with prosecution being the most serious, although the Council will always choose an enforcement option that is relevant and proportionate to the offence or contravention, taking into account an individual's or a business's past history when making our decision.

The Department will maximise its regulatory effectiveness by coordinating its enforcement activities, both internally and externally, to ensure that a regulatory issue is dealt with by the most relevant section of the Council or partner organisations. In particular, the Department will liaise, where appropriate, with the following outside bodies

- Police
- Environment Agency
- Food Standards Agency
- Fire Service
- HM revenue and customs
- Defra / State veterinary service
- Office of Fair Trading
- Consumer Protection
- Health and Safety Executive (In accordance with the HSE protocol on work related deaths, where there has been a breach of the law relating to a work related death the authority will liaise with the Police, Coroner and Crown Prosecution Service. Cases that may give rise to a prosecution for manslaughter will be led by the police)

2.0 PURPOSE OF THE ENFORCEMENT POLICY.

This document sets out the wider policy context relating to Halton's regulatory services, the service aims & objectives, its priorities, the procedural approach, and service standards that the public and business's can expect. The preparation of this Policy flows on from the commitments identified in the Environment Directorate's Service Plans, which identify the need for a

modern, cross cutting and co-ordinated approach to environmental enforcement.

The policy also enables the Council to communicate information about its enforcement policy and also the regulatory procedures to those most directly affected. The policy is supported by a range of information documents, for the different groups of service users, explaining the operation of the enforcement process in Halton. Published documents and this policy are also available on the Halton website.

3.0 POLICY CONTEXT FOR REGULATORY SERVICES

The basis of this policy is provided by statutory legislation that the Council is responsible for enforcing throughout the Borough. These Acts of Parliament can be complex and it is essential, through a combination of experience, communication and co-ordination, that the right area of legislation or combination of legislation is used positively to solve local problems.

The Acts of Parliament, statutory guidance and this policy provide the basis for the preparation of individual service plans and initiatives, that detail how specific areas of regulation will function and how these activities are coordinated to ensure the provision of the most efficient and effective regulatory service.

Importantly, this Policy recognises the need for the Council to strike a balance between the freedom of the Borough's residents and business community to go about their daily business as they wish, whilst safeguarding the Borough's environment, economy, the health & safety of its residents and workforce and the amenities of neighbours.

4.0 PRINCIPLES OF ENFORCEMENT

This section sets out the Council's approach to enforcement and reflects the principles detailed in the Cabinet Office's Enforcement Concordat and the Regulator's Compliance Code. The following key principles will underpin the delivery of regulatory services;

Proportionality

Any action proposed is in keeping with the scale of the alleged breach, the amount of harm caused. The authority will adopt a risk based approach to enforcement and is committed to the principle that resources should be directed to situations that pose the greatest harm to the public, business community or environment. The authority will adopt any risk assessment schemes prescribed by Government to ensure both reactive and programmed work is focused on risk.

Consistency and Fairness

The Council will carry out its regulatory functions in a fair and even handed manner. Whilst individual officers will be expected to make their own judgments in individual cases, the authority will have arrangements in place to promote coordinated decision making and monitor enforcement actions.

Transparency

Members, residents, local businesses, potential investors, complainants, and alleged offenders, as well as staff of the service generally, understand the basis on which the service is provided and decisions are made. This principle means a transparent and accessible service, where the procedures, the level of service to be provided, and the rights of appeal for the alleged offenders are clear and easy to understand.

Halton Borough Council will ensure in any communication that any advice and guidance on achieving legal compliance is distinguished from matters that may be considered desirable or best practice.

Openness

The Council will, through corporate and divisional service plans, clearly explain how it will undertake its work. The authority will openly discuss any concerns regarding compliance failures unless this would hamper an investigation.

Where an investigation that may lead to enforcement action is as a result of a complaint from a member of the public this will be made clear to the subject of the complaint. However, where necessary, the council will protect the identity of any complainant who wishes to remain anonymous.

Helpfulness

The Council believes prevention is better than cure. The authority is committed to providing advice and guidance to individuals and the business community to help them comply with the law. This information will generally be free of charge unless there is a statutory basis for charging for the service or prior agreement to charge has been reached.

The Department is committed to developing resources to assist individuals and the business community to comply with the law.

5.0 QUALITY OF SERVICE AND SERVICE STANDARDS

5.1 Each individual service area of the Department will produce detailed annual supplementary documents that will set out specific service and quality standards. However, to ensure consistency, the principles set out below will be observed by all regulatory services.

- **Information provided by Complaints** will be treated in confidence as far as possible. Unless required by law, the Council will not reveal the source of complaints, although complainants will be advised that, in the event of formal action, the production of their evidence in person is more likely to secure a successful outcome.
- **Advice** to all parties will be clear and courteous and unbiased, and will include details of action to be taken, why and by when.
- The consequences of not taking appropriate **remedial action** will be explained to those responsible, particularly when formal action is being considered. Wherever possible, an opportunity will be given to complainants and those responsible to respond to issues raised, before formal action is taken.
- **Full records** will be kept of each case, in accordance with appropriate legislation. Where the detection, prevention or prosecution of crime is involved, disclosure of relevant details may be made to other appropriate parties, including the police.
- **Rights of appeal** will be clearly explained when formal or immediate action is taken.
- **The needs** and aspirations of **small businesses** will be taken into account and assistance given where possible to help them to comply with legislation.
- **Regulation** will be maintained and co-coordinated across all relevant agencies within and outside the Council.
- **In exercising** its powers under relevant legislation the Council will not discriminate on the grounds of gender, sexual orientation, race, color, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.
- **All** cases will be dealt with as quickly as possible in the public interest.
- The authority will ensure **all officers** are **qualified, competent and authorised** to undertake regulatory activity. In particular, any training and qualification requirements specified in relevant codes of practice will be observed.

5.2 The Department is committed to improving the quality of its service delivery and, to this end, both this Policy and the resources for enforcement will be regularly reviewed.

6.0 LEVELS OF ENFORCEMENT ACTION

Legislative compliance will be secured by a combination of the following enforcement options open to the Council:

6.1 Advice and Guidance

Information on legal requirements and advice on compliance will be issued during the course of routine inspection visits, following complaints, investigations or from applications to approve licenses and or permissions. In addition, information will be provided through press releases, publications and the internet. Businesses and individuals will be made aware of any guidance issued by Government Departments.

6.2 Informal warnings

In situations where a contravention has been identified but it is not deemed appropriate to take formal enforcement action a written warning will be issued. This will detail the contravention identified, any remedial works required and the timescale for compliance. Further formal enforcement action may need to be considered if an informal warning has not resolved the matter.

6.3 Formal Enforcement Action

In making any decision to take enforcement action the principles of this policy will be considered. In addition, any consideration to take formal enforcement action and determine the level of action appropriate must consider the following principles

- The criminality and severity of the offence
- The need to protect the public, business community or environment
- Action the Council, Other public organization or instigator of the offence may take to resolve the matter;
- The previous compliance history of the business or individual
- The likelihood of compliance being secured by informal means

In undertaking any formal enforcement action consideration will be given to any relevant provisions of legislation, codes of practice or guidance issued to enforcement authorities. A range of formal enforcement options are available, which include the following:

6.4 Statutory legal notices

Many statutory instruments enforced by the council provide for the service of statutory notices to secure compliance with the law and protect the public or the environment from harm. These will normally require the recipient of the notice to comply with a particular requirement within a specified period of time. Any notice served by the authority will include details of the consequences of non-compliance, any right of appeal and the means by which this appeal can be submitted.

In general, and subject to any appeal provisions, a failure to comply with a valid notice will make that individual or organisation liable to prosecution.

6.5 Court Orders

Where provided for in legislation the authority may make application to the appropriate court for a Court Order requiring certain action or prohibiting activities that either contravene the law or pose a risk to the public or environment. Where there is an intention to apply for an order the potential subject of that order will be provided with details of the hearing date and any appeal provisions.

6.6 Fixed Penalty Notices

Where provided for in legislation, a fixed penalty notice, penalty charge notice or penalty notice may be used as a means of dealing with an offence instead of prosecution. It is the offender's opportunity to avoid a conviction. Non-payment of a penalty notice is generally not an offence in its own right, however should the recipient not pay the penalty offered, prosecution will be considered for the actual offence.

The council will comply with any relevant guidance and codes of practice relating to the service of fixed penalty notices. In particular the following conditions must be satisfied;

- a) There must be evidence sufficient to give a realistic prospect of conviction;
- b) The offence is not too serious and is of a nature suitable for being dealt with by a penalty notice.

6.7 Simple Cautions

Simple cautions have replaced what was previously referred to as a "formal caution". Under certain circumstances a simple caution may be considered as an alternative to prosecution. Whilst a simple caution will not result in an appearance before a court, it will require the offender to admit the offence and a record of the offence will be maintained on the central register of convictions.

Although not a conviction in itself the caution may be considered by a court when sentencing for any similar offences in the future. A caution will not normally be considered for more serious or persistent offending.

Simple cautions serve the following purposes;

- a) To deal quickly and simply with less serious offences and thereby avoid unnecessary recourse to a criminal court
- b) To reduce the chances of an individual or business re-offending

All simple cautions will comply with relevant guidance in particular Home Office Circulars on the cautioning of offenders. Before a simple caution can be considered the following criteria must be fulfilled.

- a) There must be evidence of guilt that would give a realistic prospect of conviction if the case was taken to court.
- b) The suspect must admit the offence, usually by making a signed declaration;
- c) The suspected offender must understand the significance of a simple caution and give informed consent.

If the evidential requirements for a caution are met but a suspected offender declines to accept a simple caution then the case will normally be referred for prosecution.

6.8 Prosecution

The authority will exercise discretion and consider other enforcement options before initiating a prosecution. However where justified by the nature of the offence a prosecution may be initiated without prior warning or recourse to other enforcement options.

The ultimate decision on whether to initiate a prosecution will be taken by the authority's legal services department taking into account Halton Council's prosecution policy and the criteria set down in the code for crown prosecutors.

A case will be considered for referral for prosecution when:

- a) It is appropriate in the circumstances to draw attention to the need for compliance with the law, especially where there would be a normal expectation of a prosecution
- b) Through conviction, the defendant and others may be deterred from future offending

- c) The contravention gave rise to serious harm to the public or the environment or created a risk of such harm.
- d) The gravity of the offence
- e) The general record of the defendant and their approach to legal compliance.

7.0 COMPLAINTS

Initial complaints regarding regulatory services or the application of this policy should in the first instance be directed to the manager for the service area concerned. Their details should normally be included in any correspondence but will always be provided on request. This will be treated as an informal complaint.

If the response fails to resolve the matter to the complainant's satisfaction the matter should be directed through the authority's corporate complaints system as a formal complaint.

A complaint form will need to be completed. These can be obtained from:

Policy and Performance Department
Halton Borough Council
Municipal Building
Kingsway
Widnes
Cheshire WA8 7QF
Telephone: 0151 471 7390

REPORT TO: Safer Halton Policy & Performance Board
DATE: 17th November 2009
REPORTING OFFICER: Strategic Director Environment
SUBJECT: Lockable Wheeled Bin Project
WARDS: Borough-wide

1.0 PURPOSE OF THE REPORT

1.1 To receive a verbal update on the progress in respect of a Lockable Wheeled Bin Project.

2.0 RECOMMENDATION: That;

1) **The Policy & Performance Board receive the verbal update and comment on the progress made to date.**

4.0 POLICY IMPLICATIONS

4.1 There are no policy implications associated with this report.

5.0 IMPLICATIONS FOR THE COUNCIL'S PRIORITIES

5.1 Children and Young People in Halton

No direct impact.

5.2 Employment, Learning and Skills in Halton

No direct impact.

5.3 A Healthy Halton

Reducing the risk of nuisance and crime potentially associated with wheeled bins shall have an overall beneficial affect on wellbeing.

5.4 A Safer Halton

Lockable wheeled bins have the potential to contribute towards the Council's strategy for improving environmental standards and reducing environmental crime. This will have a positive impact upon the Safer Halton Priority, and also contribute towards the 'Cleaner, Greener, Safer' agenda.

5.5 Halton's Urban Renewal

No direct impact, but reducing the risk of environmental crime and nuisance potentially associated with wheeled bins will bring overall environmental benefits that should make the borough a more attractive location for investment.

6.0 RISK ANALYSIS

6.1 The lockable wheeled bin project has the potential to reduce the risk of environmental crime and nuisance.

7.0 EQUALITY AND DIVERSITY ISSUES

7.1 There are no equality and diversity issues as a result of this report.

8.0 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972

Document	Place of Inspection	Contact Officer
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8.1 There are no background papers within the meaning of the Act.