

Safeguarding Children and Adults Framework NHS Lewisham CCG

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22nd February 2016

1. Background and Context

This document sets out the framework for responsibilities in relation to safeguarding in Lewisham Clinical Commissioning Group (Lewisham CCG) and includes the safeguarding accountabilities and arrangements for safeguarding children, young people and adults at risk. This is based on the principles and requirements of "Safeguarding Vulnerable People in the NHS England *Accountability and Assurance framework* July 2015.

NHS England is responsible for the provision of primary care services through contracts with independent contractors including general practitioners, dentists, pharmacists, and optometrists. NHS England recommend that CCGs consider a cluster model of named safeguarding clinicians with a range of expertise including: child safeguarding, safeguarding people of all ages with mental health issues, physical disability, special educational needs, learning difficulties and learning disability, safeguarding looked after children and care leavers, adult safeguarding including domestic abuse, safeguarding and elderly care and dementia and safeguarding in institutions including care homes.

Safeguarding children, young people and Adults at Risk is everyone's responsibility and defined as prevention of harm and abuse through high quality care. Providing effective response to allegations of harm and abuse in line with multi-agency procedures and using learning to improve service to patients.

Safeguarding and promoting the welfare of children and young people is defined as protecting children from maltreatment and preventing impairment of children's health or development. Ensuring that children are growing up in circumstances consistent with the provision of safe and effective care and undertaking that role so as to enable those children (those under the age of 18 and for the purposes of Looked After Children to age 25yrs potentially) to have optimum life chances and to enter adulthood successfully.

Safeguarding Adults at Risk is defined as living free from harm and abuse. This is the fundamental right of every person. A vulnerable adult an adult 'at risk' is anyone over the age of 18 who is unable to take care of himself or protect himself from harm or exploitation by reason of age, mental illness or disability. In relation to Domestic Abuse it is anyone aged 16 and over.

The six key principles of safeguarding include:

Empowerment - Presumption of person led decisions and informed consent.

Protection - Support and representation for those in greatest need.

Prevention - It is better to take action before harm occurs.

Proportionality – Proportionate and least intrusive response appropriate to the risk presented.

Partnership - Local solutions through services working with their communities. Communities have a part to play in preventing, detecting and reporting neglect and abuse.

Accountability - Accountability and transparency in delivering safeguarding

Adults have the right to make decisions even if they are unwise and are empowered to do so in line with the Mental Capacity Act 2005. Patients are assumed to have capacity unless proven otherwise. The role of advocacy is essential in supporting clients to make decisions if appropriate.

Lewisham CCG has a duty to improve and to respond to findings of large scale external inquiries such as Francis and Lampard ensuring the health of the whole population of Lewisham are safeguarded including children, young people and adults. Lewisham CCG works with the London Borough of Lewisham (Local Authority) to ensure that all commissioned services are integrated and coordinated where possible to ensure effective safeguarding. Lewisham CCG has a responsibility in supporting NHS England in the implementation of the Care Act 2014 and Personalisation. Lewisham CCG has a duty to ensure that the autonomy of adults and individual empowerment is implemented in line with the Mental Capacity Act and its Code of Practice. Additionally Lewisham CCG has a statutory duty to support the Government's Counter Terrorism strategy *Contest*. The strategy sets out the threats the population faces and the priorities for dealing with it. *Prevent* looks at identifying and supporting individuals who may be at risk of radicalisation before they become radicalised.

Lewisham CCG has a duty in relation to good information sharing. This is at the heart of good safeguarding practice and is principally governed by the Data Protection Act 1998. Lewisham CCG will comply with the statutory provision of the local Children's Safeguarding Board and Safeguarding Adults Board. It will comply with statutory schemes for vetting and barring services and information sharing and checks on people who enter the workforce and regulated activity.

2. Statutory duties, legislation and guidance

Key legislation that informs this framework is noted with further information set out in the references:

- Children Act 1989 and 2004
- National Service Framework for Children, Young People and Maternity Services 2004
- Mental Capacity Act 2005 section 1 Principle 1.
- Mental Capacity Act 2005 Code of Practice, HMG, 2005, 12.13. 14
- Mental Capacity Act 2005 and the addition of DoLS 2007
- London Child Protection Procedures 5th Edition 2014
- Care Act 2014
- Working Together to Safeguard Children HM Government 2015
- Promoting the health and Wellbeing of Looked After Children Department for Education and Department of Health March 2015
- PAN London Safeguarding Adult's Policy published 2016

For children and young people, the key legislation includes the Children Act 1989 and the Children Act 2004. Section 11 and 13 of the 2004 Act have been amended so that CCGs will have identical duties to those of PCTs, i.e. to have regard to the need to safeguard and promote the welfare of children in discharging their duties and to be members of the LSCB. A full exposition of statutory provisions relating to children's safeguarding can be found in the appendix of *Working Together to Safeguard Children*.

Statutory guidance (*Working Together to Safeguard Children 2015*) details that the Section 11 duty means CCG's must make arrangements to ensure two things. Firstly, that their functions are discharged having regard to the need to safeguard and promote the welfare of children and young people, and secondly, that the services they contract out to others are provided having regard to that need.

At an organisational or strategic level, this means having:

- A clear line of accountability that is reflected in CCG governance arrangements for safeguarding children and young people and safeguarding adults at risk
- A clear line of accountability is reflected across organisations for the commissioning and provision of services designed to safeguard and promote both the welfare of children and young people and the welfare of adults at risk
- A board-level lead to take senior leadership responsibility for the organisations' safeguarding arrangements for both children and young people and adults at risk
- A culture of listening to and engaging in dialogue with children and young people and dialogue with adults at risk taking account of their wishes and feelings both in individual decisions and the establishment or development and improvement of services
- Arrangements to share relevant information with respect to both children and

young people and adults at risk.

This includes appropriate supervision and support for staff including undertaking safeguarding training and competency assessment in respect to both children and young people and adults at risk according to PAN London Safeguarding Adult's Policy Guidance 2016, Safeguarding Children & Young People: Roles and Competences for Health Care Staff, Intercollegiate Document 2010 and NHSE Prevent Competency Framework 2015. Arrangements for the workforce include:

- Employment, or securing the expertise of Designated Doctors and Nurses for safeguarding children and for Looked After Children, and a Designated Paediatrician for unexpected deaths in childhood
- A named GP for safeguarding children
- A lead professional for adult safeguarding and a lead for the Mental Capacity Act
- A Safer Recruitment policy
- Effective inter-agency and partnership working to safeguard and promote the welfare of children, young people and adults at risk

Currently the effectiveness of the children and young people' safeguarding system is assured and regulated in a number of ways.

For children and young people these include:

- LSCB through Section 11 audits
- External joint inspections with CQC led by Ofsted
- Locally developed peer review through assurance given to the Health Safeguarding Group
- Action planning and monitoring processes following Serious Case Reviews.
- Monitoring training levels of all staff and commissioned and noncommissioned organisations including independent contractors.

For adults at risk the effectiveness of the safeguarding system is assured and regulated by the following:

- LSAB with appropriate arrangements to work closely with local authorities in all matters related to vulnerable adults safeguarding
- Clear lines of accountability for safeguarding reflected in the governance arrangements across organisations
- Appointed DASM and lead for Mental Capacity Act

The Care Quality Commission's (CQC) *Essential Standards for Quality and Safety* (2010) sets specific outcomes for safeguarding and safety as a requirement for both initial registration and continuing registration for all providers of NHS care, including primary care providers. CCGs as commissioners have responsibilities to address failures of care in addition to the responsibilities of the CQC and the NCB. Where the CQC take enforcement action, commissioners have a key role in managing the impact this has on the local health economy and working closely with the NCB for primary care.

3. Purpose of this framework

The purpose of this framework therefore is to detail how the Lewisham CCG will discharge and fulfill all their statutory safeguarding children and adults at risk functions both strategically and operationally.

4. Safeguarding accountability and responsibilities

Within the Lewisham CCG ultimate accountability for safeguarding children, young people and adults at risk resides with the Accountable Officer who will delegate the discharge of his responsibility for safeguarding to the Governing Body Lead (Senior Clinical Director). Responsibility for safeguarding will sit with the Governing Body lead as part of the wider patient safety agenda.

The Governing Body Lead (Senior Clinical Director) will be the Board executive for safeguarding and will be accountable to the CCG Governing Body for providing assurance that the range of safeguarding statutory duties are discharged and all responsibilities met. The Governing Body Lead will be responsible for ensuring that the organisation from which the CCG contracts or commissions services provide a safe system that safeguards children, young people and adults at risk.

The Nurse Director will be the Board executive for safeguarding and will be accountable to the CCG Governing Body for providing assurance that the range of safeguarding statutory duties are discharged and all responsibilities are met.

Designated Doctor for Safeguarding Children and Designated Doctor for Looked After Children

The Designated Doctor for safeguarding children Lewisham CCG and Designated Doctor for Looked After Children are employed by Lewisham Healthcare NHS Trust. This is supported by a Service Level Agreement (SLA). The SLA sets out the practitioner's responsibilities and the support they will receive in fulfilling their designated role. The Designated Doctors will report managerially to the Nurse Director who will ensure that they receive and participates in formal safeguarding supervision for all CCG designated professional work. Lewisham Healthcare NHS Trust will be responsible for ensuring that all doctors fulfilling designated functions are capable and competent and have the stipulated and required level of training.

Adult Safeguarding Nurse in Primary Care

For Adults in 2016 the CCG aims to employ an Adult Safeguarding Nurse in Primary Care who will report to the Designated Adult Safeguarding Manager. This role is currently vacant.

It is planned that this role will support the Primary Care team in the function of Adult Safeguarding.

Child Deaths

Lewisham CCG has access to a Designated Paediatrician for unexpected deaths in childhood including a rapid response service and participates in the Child Death Overview Panel. Designated Paediatrician is employed by Lewisham and Greenwich Healthcare NHS Trust.

Named General Practitioner (GP) for Children's Safeguarding

The Named GP for Children's Safeguarding is employed on a sessional basis by the CCG and responsible for providing a strategic overview of safeguarding within Primary Care. The named GP will report managerially to the Nurse Director and professionally to the Designated Doctor who will ensure that the Named GP receives formal regular safeguarding supervision.

Designated Nurse for Children's Safeguarding and Looked After Children

The Designated Nurse for Children's Safeguarding and Looked After Children is directly employed by the CCG. The **Designated Nurse** take a strategic and professional lead together with the Designated Doctors on all aspects of the health services contributions to safeguarding children and Looked After Children, providing specialist advice to the CCG on health related child protection and safeguarding matters; informing strategic thinking and service development across all providers, including those jointly commissioned with Social Service colleagues within the London Borough of Lewisham.

The **Designated Nurse** takes a strategic lead for Looked After Children (LAC) in Lewisham and LAC placed out of borough with a focus on supporting provider services in contract compliance and performance against specified targets where Safeguarding and Welfare are viewed as priority benchmarks. This includes PBR performance for Out of Area cases.

Designated Adult Safeguarding Manager (DASM)

The DASM supports the organisational activity to support safeguarding adults. The DASM is the source of expertise to those working within the CCG and advises the local authority, police and other organisations in relation to health matters and the Board. The DASM is the Designated Mental Capacity Act lead. The DASM reports into the Nurse Director. The DASM will support the Governing Body Lead (Senior Clinical Director) to undertake his role. Safeguarding additionally forms part of the NHS standard contract service condition 32 and the DASM will support this function.

Partnership working

Lewisham CCG will become an active partner and co-operate fully with the LSCB and LSAB ensuring appropriate senior and clinical representation and representation at sub groups. The Executive Safeguarding Committee of the LSCB will be attended by the Accountable Officer with the Governing Body Lead (Senior Clinical Director) deputising in the absence of the Accountable Officer. Lewisham CCG representation on the LSCB will be from the Designated Nurse and Designated Doctor, Named GP and the Governing Body Lead Director. Lewisham CCG representation on the LSAB will be the DASM and the Adult Safeguarding Nurse in Primary Care when appointed and the Governing Body Lead. The Nurse Director will deputise for the Governing Body Lead where necessary. Recommendations from these groups will be cascaded to the Safeguarding Assurance group.

5. Governance arrangements

Defined safeguarding accountability and governance arrangements are essential to ensure Lewisham CCG is able to fulfill all statutory requirements including proactive and effective management of risk.

Accountability for ensuring quality and safeguarding duties are discharged is the responsibility of the Accountable Officer. The Governing Body will receive assurance from the Governing Body Lead Director through minutes and a bi-monthly reports generated from FLAG (for action and learning) committee to inform the Governing Body of potential safeguarding risks. FLAG will oversee:

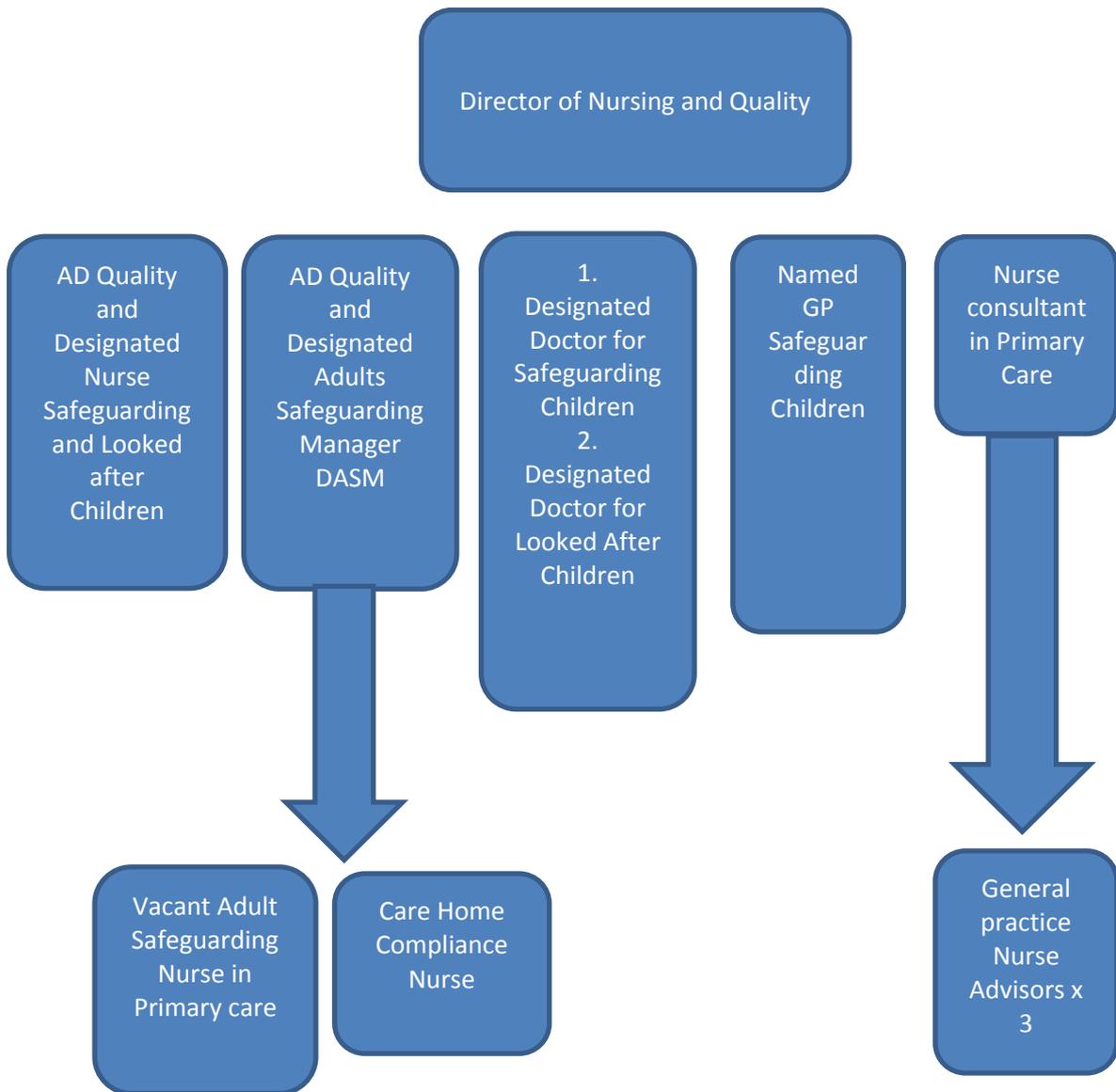
- Systems and processes to monitor quality to proactively identifying early warnings of failing services
- Arrangements to manage and learn from Serious Untoward Incidents and Never Events
- CQCs Quality Risk Profile reviews to establish concerns related to Providers for which Lewisham CCG commissions services

The FLAG committee will be chaired by the Governing Body Lead Director for Safeguarding (with the Nurse Director as Deputy). It will receive Assurance and Exception reports from the Safeguarding Assurance Group that the duties related to accountability are discharged. This includes the monitoring of safeguarding systems and processes. The Nurse Director is a member of the Health Safeguarding Assurance Group (HSAG) and will present safeguarding assurance reports to the committee and escalate risks with mitigating action plans.

The LCCG Health Safeguarding Assurance Group will meet quarterly chaired by the Governing Body Director Lead. The purpose of the Group is to:

- Promote and strengthen the arrangements for safeguarding children, young people and adults at risk receiving services from health providers within Lewisham; and to assess the effectiveness of those systems and processes, and to seek their continuous improvement.
- Gain assurance from Lewisham health services and other commissioned services by the NHS that robust monitoring of the working of these arrangements is in place
- Ensure that health organisations fulfill their duty of partnership and contribute fully to the Lewisham whole system Safeguarding framework for children, young people and adults at risk including private sector. The DASM and Designated professionals for Safeguarding Children will provide the necessary Governance reports to the LCCG Board, LSCB and LSAB when requested in relation to safeguarding. The designated and named professionals are members and clinical experts of the Health Safeguarding Assurance Group.

Table 1. Governance Nursing / Quality and Safeguarding



Conclusion

This document sets out the framework for responsibilities in relation to safeguarding in Lewisham Clinical Commissioning Group (Lewisham CCG) and includes the safeguarding accountabilities and arrangements for safeguarding children, young people and adults at risk. This is based on the principles and requirements of “Safeguarding Vulnerable People in the NHS England *Accountability and Assurance Framework* July 2015. Fundamentally it remains the responsibility of Lewisham CCG and each healthcare professional working in the Lewisham CCG to ensure that the principles and duties of safeguarding adults and children are holistically and consistently applied with the needs of adults at risk of abuse and children and young people at the heart of what Lewisham CCG does.