

Safeguarding Children and Adults Framework NHS Lewisham CCG

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1. Background and Context

This document sets out the framework for responsibilities for safeguarding for the Lewisham Clinical Commissioning Group (Lewisham CCG) and includes the safeguarding accountability 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. The document outlines the assurance systems and processes for safeguarding for the Lewisham CCG.

Lewisham CCG is responsible for securing the expertise of Designated Professionals on behalf of the local health system. The Designated Professionals play a part in the commissioning cycle from procurement to quality ensuring services are commissioned to safeguard adults and children at risk of abuse or neglect.

It will agree with all their providers contract monitoring processes used to demonstrate compliance in safeguarding arrangements including NHS and independent providers. This will include section 11 audits for children and attendance at safeguarding committees for assurance.

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. For Domestic Abuse it is anyone aged 16 and over.

The six key principles of safeguarding adults 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 in line with the Mental Capacity Act 2005. Adults are assumed to have capacity unless proven otherwise. The role of advocacy is essential in supporting clients to make decisions if appropriate.

The Lewisham CCG will work with the London Borough of Lewisham (Local Authority) to ensure that all commissioned services are integrated and coordinated where possible to ensure effective safeguarding.

The Lewisham CCG will support NHS England in the use of the Care Act 2014 making safeguarding personal.

The 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.

The 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. It 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 for the Lewisham CCG

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 and strategic level Lewisham CCG will have systems in place to discharge statutory duties for safeguarding. This includes:

- A clear line of accountability that is reflected in the Lewisham CCG's governance arrangements for safeguarding children and young people and safeguarding adults at risk.
- A named executive lead to take overall leadership responsibility for safeguarding arrangements in the Lewisham CCG.
- Clear policies setting out commitments and approach to safeguard including recruitment practices and arrangements for dealing with allegations against people who work with adults and children responding and reporting.
- 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.
- Support the establishment or development and improvement of services.
- Support the development of a positive learning culture with commissioned and non commissioned providers for safeguarding adults and children.
- Arrangements to share relevant information with respect to both children and young people and adults at risk.

3. Statutory duties, legislation and guidance

Duties include appropriate supervision and support for staff within the Lewisham CCG and for providers including undertaking safeguarding training 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:

- The expertise of Designated Doctors and Nurses for safeguarding children and for Looked After Children, and a Designated Pediatrician for unexpected deaths in childhood.
- A named GP for safeguarding children.
- A Designate for adult safeguarding who is the lead for the Mental Capacity Act 2005, Prevent, Domestic Violence and Modern Day Slavery. This role will also support general practices for adult safeguarding
- A Safer Recruitment policy.
- Effective inter-agency and partnership working to safeguard and promote the welfare of children, young people and adults at risk.
- Support and training for staff in primary care for adult and children's safeguarding.

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 Lewisham CCG Health Safeguarding Operational and Assurance Group
- Action planning and monitoring processes following Serious Case Reviews
- Monitoring training levels of all staff for commissioned and noncommissioned services.

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

- LSAB will work with the appropriate arrangements to work closely with local authorities in all matters related to vulnerable adults safeguarding including the Lewisham CCG.
- Clear lines of accountability will be reflected in the governance arrangements across organisations for adult safeguarding.
- Peer review and assurance through the Health safeguarding Operational and Assurance Group.
- Action planning and monitoring processes following Serious Adult Reviews and Domestic Homicide Reviews and delegated health safeguarding inquiries.
- Monitoring training levels of all staff for commissioned and non commissioned services.
- Monitoring will include review of dash boards, generated reports and monitoring via attendance at forums including MASCC, Provider Concern meetings, and LSAB for example and provider safeguarding committees.

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 delegated responsibility in managing the impact this has on the local health economy and to work closely with NHS England.

4. Safeguarding accountability and responsibilities within Lewisham CCG

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 Director of Nursing and Quality will line manage the Designated Doctors who will report managerially to the Director of Nursing and Quality who will ensure that they receive and participate in formal safeguarding supervision along with other designates. The adult and children's safeguarding team will report into the Director of Nursing and Quality.

The Designated Doctor for safeguarding children and Designated Doctor for Looked after Children are employed by NHS Lewisham and Greenwich 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 Nurse Consultant Adult Safeguarding Designate will work across the health systems of Lewisham to support professionals in aspects of adult safeguarding. The Designate is a clinical expert and strategic leader for adult safeguarding and as such a source of advice and support for the Lewisham CCG and providers including quality surveillance groups, the local authority and the local safeguarding adults board and the health and wellbeing board. The Nurse Consultant is the Designated Mental Capacity Act Lead and reports to the Director of Nursing and Quality. The Nurse Consultant will support the Governing Body Lead (Senior Clinical Director) to undertake their role. Safeguarding additionally forms part of the NHS standard contract service condition 32 and the Nurse Consultant will support this function and support the CCG by attending the LSAB offering professional advice.

All Designates will support serious case reviews on behalf of commissioners and be able to influence all points of the commissioning cycle. They will be responsible for giving expert advice in training and have direct access to the executive lead for influence. It is vital that all Designates are in receipt of supervision which is professionally facilitated.

The Adult Designate will ensure that organisations meet statutory responsibility and advise board members providing training for the board and the CCG. The Designate will additionally support partnership working across other CCGs and agencies.

Strategic leadership will be provided to ensure systems are in place to record allegations, decision making and recommendations.

Support and advice will be offered to NHS England, commissioned services and non commissioned services to ensure effective safeguarding arrangements are in place. including advice to the LSAB. The Designate will have knowledge of the older person, learning disabilities and mental health.

Child Deaths

Lewisham CCG has access to a Designated Pediatrician for Child deaths who coordinates a rapid response service and participates in the Child Death Overview Panel. The Designated Pediatrician is employed by Lewisham and Greenwich 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 Child Safeguarding and Looked after Children are directly employed by the CCG.

The Designated Nurse Safeguarding Children takes 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 Looked after Children 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 Payment by Results (PBR) performance for Out of Area cases.

Partnership working

The Lewisham CCG will become an active partner and co-operate fully with the LSCB and LSAB ensuring appropriate senior and clinical representation. 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 the Designated Nurse and Designated Doctor, Named GP and the Governing Body Lead Director.

Lewisham CCG representation on the LSAB will be the Nurse Consultant Adult Safeguarding Adult Designate and the Governing Body lead.

The Director of Nursing and Quality will deputise for the Governing Body Lead where necessary.

Recommendations from these groups will be cascaded to the Health Safeguarding Operational Group.

Under delegated arrangements, the Lewisham CCG will also ensure that the GP commissioned services have effective safeguarding arrangements in place and are compliant with the Mental Capacity Act 2005.

5. Governance arrangements

Defined safeguarding accountability and governance arrangements are essential to ensure the 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 and is the responsibility of the Accountable Officer. The Governing Body will receive assurance from the Chair of the Integrated Governance Committee (for action and learning) to inform the Governing Body of potential safeguarding risks. The IGC 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 IGC will be chaired by the Chief Operating Officer. It will receive Assurance and Exception reports from the Health Safeguarding Operational group. This includes the monitoring of safeguarding systems and processes. The Director of Nursing and Quality is a member of the Health Safeguarding Operational Group (HSOG) and will present safeguarding assurance reports to the committee and escalate risks with mitigating action plans.

The LCCG Health Safeguarding Operational 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 Designated professionals for Safeguarding Children and adults 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 experts clinically of the Health Safeguarding Operational Group.

Table 1. Governance Nursing / Quality and Safeguarding

