

Kirklees Safeguarding Adults Board

MINUTES

23 July 2021

1:00pm – 3:00pm

Venue: Virtually via Microsoft teams

Attendees

Robert McCulloch-Graham (Independent Chair)
Jim Griffiths, Detective Superintendent, Kirklees District (West Yorkshire Police)
Helen Hunter, Chief Executive Healthwatch Kirklees and Healthwatch Calderdale
Andrea Dauris, Associate Director of Nursing (Corporate) (Calderdale & Huddersfield NHS Foundation Trust)
Richard Parry, Strategic Director for Adults and Health (Kirklees Council Commissioning, Public Health & Adult Social Care)
Tanya Simmons, District Prevention Manager (West Yorkshire Fire & Rescue Service)
Marie Gibb, Head of Safeguarding (The Mid Yorkshire NHS Acute Hospital Trust)
Julie Warren-Sykes, Assistant Director of Nursing, Clinical Governance and Safety (South West Yorkshire Partnership NHS Trust)
Penny Renwick (Lay Member)
Amanda Evans, Service Director for Adult Social Care Operations (Kirklees Council, Adult Social Care Operations)
Emily Parry-Harries, Consultant in Public Health/ Head of Public Health (Kirklees Council, Public Health)
Cllr Musarrat Khan
Helen Hunter, Chief Executive (Healthwatch Kirklees and Calderdale)

Deputies and others in attendance

Clare Robinson, Head of Nursing and Safeguarding, NHS Kirklees CCGs & Calderdale CCG
Paula Adams, Head of Safeguarding (Locala Community Partnerships CIC)
Razia Riaz, Senior Legal Officer (Kirklees Council, Legal Services)
Jacqui Stansfield, Service Manager (Kirklees Safeguarding Adults Board)
Alison Clarkson, Deputy Service Manager (Kirklees Safeguarding Adults Partnership Team)
Donna Harkins, Housing Strategy and Partnership Manager, Growth and Housing, Kirklees Council

Minutes

Ronnie Lodge, Business Support Manager (Kirklees Safeguarding Adults Partnership Team)

Mailing List

Nikki Gibson (Head of Safeguarding, Yorkshire Ambulance Service)

Welcome and Introductions

Robert McCulloch-Graham (RMG) opened the meeting, welcomed members, and asked members to briefly introduce themselves and their organisational roles

1. Declarations of Interest and Confidentiality Declarations

None declared

2. Story – setting the scene

Item 2) Person Story

RMG reminded Board members that it had been decided to begin Board meetings with stories from organisations, agencies, and colleagues to share as this was expressed as a desire at the Challenge Event meetings. It would be good to receive stories direct from practitioners

Jacqui Stansfield (JS) introduced the user story from the circulated Winterbourne report and described the salient points reflective in terms of trauma informed practice. Are we assured that these are embedded in partners, organisations, and colleagues training plans?

RMG – This is a very sad case with a huge impact on this individual.

Clare Robinson (CR) completely agreed with this assessment saying that if we consider recent Safeguarding Adult Reviews (SAR's) cases this is an instance of trauma from childhood and it is crucial to understand how and why the individual arrived at where they are now in terms of future learning's.

Jim Griffiths (JG) – It would be useful to establish in many of the cases in the report how instances of neglect and abuse were responded to and what we learn from this as a Board.

Paula Adams (PA) – From a personal point of view this makes me awfully sad that people in caring professions inflict this abuse. In this context it underlines how vital that lower-level concerns are picked up and responded to early. This also reflects the importance of robust Disclosure and Barring Service (DBS) checking.

Julie Warren-Sykes (JWS) – The case also highlights issues surrounding value-based assessments that involve staff. These stories are heart-breaking and underline the importance of understanding people, being professionally curious and never forgetting one's basic safeguarding duty.

Penny Renwick (PR) – It seems obvious that this person had a caring family but where they being listened to? Do we in Kirklees have areas where families can go to

raise concerns which will be credibly listened to and responded? This must be a priority of the Board.

RMG noted that from previous experience of similar cases very many of the establishments like Winterbourne are located in remote areas far away from the family home This makes communication difficult for many families.

Richard Parry (RP) – There is an important question in terms of where families should be raising concerns: is it the unit providing care, the local authority which is funding or indeed other agencies? This does require clarity.

RMG – This is something, we as a Board, should have sight of and underlines the importance of all agencies, partners, and organisations to be highly cognisant and curious with regard to care providers.

3. Previous Minutes and Matters Arising

Item 3) Draft Minutes from Meeting 7th May 2021

The minutes of the meeting held on 7th May 2021 were agreed as an accurate record.

Actions from meeting 8th February 2021

Item 4

JG to present piece to camera in support of SAR communications in next 3 weeks
Completed.

Item 7

JG to set up a task and finish group looking at adults missing from health and care settings. JG will lead on this
PW said this item related to missing adults' protocols and we should investigate if there were any gaps for scoping in consultation with SAPT
Not completed. Carried forward.

Actions from meeting 7th May 2021

Item 4

RMG to follow up with PW and JG in terms of deciding whether to schedule an extraordinary Board meeting in advance of the publication of the Adult N SAR report.
Completed

Item 6

Board members to come back with ideas for service delivery stories that could be shared as part of future Board agenda items. Completed.

Item 7

Board members to respond to invitation from SAPT to attend Development Day and volunteer for the task and finish group to organise it. Completed.

Item 8

RML to place NHS White Paper as standing agenda item. Completed.

Item 9

AC to publish Learning Offer to the KSAB website. Completed.

Item 9

MG to share Mid-Yorkshire Hospitals Trust promotional materials for safeguarding week with RML. Completed.

Item 9

Board members to make suggestions for the framework of future meetings to SAPT via the KSAB mailbox ksab@kirklees.gov.uk Completed.

4. Governance**Item 4 Legal Update**

Razia Riaz (RR) gave an overview of the legal report. Highlights from the legal report were

[Updates on Legal Protection Safeguards LPS](#)

The Government statement issued last year indicated an aim for full implementation of the Liberty Protection Safeguards (LPS) by April 2022. Some provisions, covering new roles and training, will come into force ahead of that date.

The Government will undertake a public consultation on the draft regulations and Code of Practice which is likely to run over 12 weeks. It is proposed a period of approximately 6 months will be given to prepare for the new system to ensure successful implementation following the publication of the final Code. After the government has considered responses to the consultation, the updated Code and regulations will need to be laid in Parliament to allow for scrutiny. This needs to happen well in advance of the target implementation date, first to allow for that scrutiny and second because some of the regulations need to come into force earlier.

The National Steering Group for the LPS met on the 18th of May 2021 to discuss the draft Code of Practice. The UK and Welsh Governments are working towards a detailed public consultation on the draft Code and regulations which will underpin LPS, which will last 12 weeks.

CR informed the Board that the Clinical Commissioning Group (CCG) have been told to develop their own training programmes at the moment because deadlines for the introduction of LPS have been regularly missed.

RR reflected that guidance on the introduction of LPS is vital with 9 months to go until the Bill is activated.

[YC re 2021 Do repeated errors invalidate a DoLS](#)

The case concerned 89-year-old YC, who has dementia and various physical health issues and lives in a care home.

In June 2020, after various behavioural issues arose at the care home, the council, Westminster City Council, purportedly granted a standard authorisation in respect of YC's living arrangements. Representatives for YC contended that the standard authorisation was invalid because of errors in one section of Form 5, which is the written authorisation. While the rest of the relevant forms were correct, in parts of Form 5 there were references to 'Ms Hull' rather than to YC's real name 19 out of 25 times.

The officer who signed the form, said that while the error was unfortunate none of the material was itself inaccurate in that all referred specifically to YC and her situation even if the name used was at some points wrong. Westminster considered the standard authorisation was validly granted and that the errors were insignificant. YC's representatives were contending that the authorisation was invalid because of errors in one section of Form. The argument was dismissed in the first instance but was appealed.

The Judge said: "I am satisfied that the first instance judge was entitled to conclude that the errors identified in the Form 5 Standard Authorisation relating to YC were merely 'typographical'." She added: It follows that the appeal cannot succeed."

"Where there are standardised documents, and inevitable use of information technology (including the availability of 'cut and paste'), it would be disproportionate to conclude that every error of form invalidates Form 5."

[A Local Authority v TA & ORS 2021](#)

The local authority case was "that TA exercises abusive and controlling behaviour towards his mother and so dominates her life that she:

- (i) is unable to enjoy personal dignity.
- (ii) has lost contact with her community and with her family, apart from HA and TA, and to some extent XA [TA's sibling]; and
- (iii) is denied access to important healthcare and treatment."

Despite being provided with links to the hearing and provision made for his in-person attendance, TA chose not to be present at the hearing and instead made applications to adjourn the proceedings on 5 different occasions, none of which were successful.

TA's position was understood to be "that he should remain in charge of his mother's care in the home with at least the temporary assistance of XA who has moved in there with him." The social worker gave evidence detailing that XA's husband had told him that XA "had no intention of participating in the case."

The Judge heard evidence indicating that TA had historically made it difficult for support workers to access the property he shared with GA and later refused to provide the local authority with information concerning the whereabouts of GA. XA had, and in non-compliance with a court order, refused to allow the local authority access to the property GA was residing in. No care provider was willing to "take on the service [of caring for GA] if the carers would be subject to TA filming and recording them" as they had been by TA. An independent social worker told the Court that "any form of collaborative approach was doomed to failure" should TA remain in GA's property.

The Judge made orders directing TA and XA to leave GA's home so that she could receive care at home. He was further prohibited from entering within 100 yards of GA's home and he was barred "from removing the Motability car from the property which is there for his mother's benefit." Further, he must not post "articles or other information in the public arena" concerning this case. A civil restraint order against TA was made for a period of 2 years due to his making of applications deemed by the Court as "totally without merit."

TA's communication with the local authority was limited as was his correspondence with the Official Solicitor. Additionally, committal proceedings in respect of TA remain an issue that will be dealt with by the Court at a later hearing.

RMG reflected that he had had experience of similar cases. How long had this situation been going on?

RR will establish this

RMG – Do Board members have any other comments?

JG – There are various different orders in other areas that are very easy to obtain in comparison. If we went to a court with something like this would there automatically be a power of arrest?

RR – The court of protection have powers but not the power of arrest.

JG – Perhaps there should be something in these terms i.e., a power of arrest

PA – It's very clear that this lady didn't have capacity. And it is very common for agencies to deal with people who have fluctuating capacity. It's important to follow a collaborative approach in the first instance

RMG – There is a lack of statutory powers for agencies to access in cases like this. This is a significant issue and is very difficult to navigate for the carers involved.

5. Safeguarding Adults Reviews (SARs)

Update

Item 5a) Adult M – sign off
Action plan and next steps

Item 5b) Adult N – Sign off
Action plan and next steps

JG reminded Board members that an extra-ordinary Board meeting had been held to sign off the Adult M and Adult N SAR's. Although there had been some uncertainty about the process for signing off SAR's the experience has galvanised a better understanding of what is required procedurally. Both reports are now in a position to be accepted by the Board, and as has been previously directed, the Safeguarding Adults Partnership Team (SAPT) have drafted an action plan for both cases which can be linked because both are similar in context.

The only issue remains is in terms of how these will be released publicly.

JS informed the Board that SAPT have been working in collaboration with the Kirklees Council Communications Team to word both the executive summary and the press release for the SAR's. Board partners, organisations and colleagues have been asked to provide comments and propose alterations to the executive summary and press release. The only comment received has been to add condolences to the family in the case of Adult N. This has been added. We then need to look at a potential publication date. JS and Independent SAR author for Adult N Michael Preston-Shoot (MPS) have agreed to meet the sister of Adult N on August 6th, 2021, who needs closure on this. We need the report to be signed off by Board by then, although it is appreciated there isn't a lot of time to consider the executive summary and press release.

Andrea Dauris asked if the reports had been fed through Calderdale and Huddersfield Foundation Trust's (CHFT) governance process and whether this had been fed back to SAPT.

JS said that she is not aware if this happened but, in any case, the report on Adult N is an independent report which can't be changed.

JG said that it was his view that partners, agencies, and colleagues had had enough time to consider the report and that this should not now unduly delay Board sign off.

RMG confirmed that the reports have been signed off by the Board. Comments on the executive summary and press release should be sent by no later than 30th July 2021

Action: Partners, Organisations and Colleagues to provide comments on the executive summary and press release on the SAR's for Adult N and Adult M via the KSAB mailbox ksab@kirklees.gov.uk by 30th July 2021

6. Performance

Item 6) Dashboard

Audit Programme – update from task and finish group

JS Chaired the most recent meeting of the Q&P Subgroup and so delivered the update

The Q&P Subgroup dashboard has revealed an increase in referrals at the same time as reporting an increase in indicative timescales for dealing with referrals. Meetings of the Q&P Subgroup have been moved to accommodate the timing of the request for the dashboard report to be released. However, this in turn has led to issues in the timing of the reporting data which is being addressed.

The Q&P Subgroup is looking at the dashboard as a whole – rather than just looking at Adult Social Care (ASC) data in isolation. At present the dashboard is not fully triangulated so a task and finish group has been set up to devise ways of making it more meaningful. The introduction of Tableau later in the year will also be helpful in delivering contemporaneous data.

Deborah Montgomery from West Yorkshire Police (WYP) now sits on the Q&P Subgroup which will be advantageous.

Healthwatch have been engaged to look at qualitative data as part of Making Safeguarding Personal (MSP) and engagement, but unfortunately the fields on the supplied referrals data haven't flowed well so there is a need to amend this so that Healthwatch can send/ request information via telephone and e-mail.

A task and finish group has been established to look at ways of making the audit programme SMARTER

RMG – It is very helpful to have this task and finish group which will help to better refine the audit programme. It is important that the Board is informed with relevant information.

CR – It is also important that we ensure no double counting is occurring

RMG acknowledged this concern and said that this will be addressed as one of the outcomes of the task and finish group.

7. Policy Sign Off

- Item 7a) Joint Multi-Agency Policy and Procedure
- Item 7a) Joint Multi-Agency Policy and Procedure Summary
- Item 7 a) Review Tracker

Item 7b) Learning and Development Strategy

JS shared the policy and procedure document which has been updated following guidance from the Association of Directors of Adult Social Services (ADASS) on what constitutes a Section 42 enquiry. This has been brought to the Board seeking agreement as different local authority regions are also taking the guidance to their Safeguarding Adults Boards (SAB's).

This is a particularly large document and we are restrained in as much as our website has to be disability accessible. It would take at least 2 weeks to make this accessible. So, in the interim we will link to Bradford Council's website to ensure that it goes on.

CR – The CCG are happy to sign this off.

The Board agreed

RMG – The Joint Multi-Agency Policy and Procedure is signed off by the Board

Alison Clarkson (AC) said that the Learning and Development Strategy has now been brought back to the Board following provisional sign off by the Learning and Development Subgroup. Approval from the Board is required to publish the document on the KSAB website as an evolving document.

Publishing to the KSAB website was agreed by the Board

8. Feedback from Board Development Workshop

Update

AC introduced this item saying that following the Boards Development Workshop on 28th June 2021 a task and finish group was recruited to look at ways in which the strategic plan could be made simpler and reflect the strategic priorities for 2021-22 that had emerged from the session. The aim is to make the plan less wordy and simpler both in design and context ideally devising a plan on a page to replace the current "jigsaw" model.

Reflecting on a very useful and engaged first task and finish group session AC shared what has so far been developed on screen.

The plan on a page is summarised into the six safeguarding principles. Priorities are abbreviated into one word which can then link into a summary page which is more detailed.

The task and finish group then looked at different SAB's strategic plans across the country amalgamating those which were felt to match the Boards desire for a more simplified approach.

The task and finish group are now currently working on shared objectives and the methodology behind this. One key feature that has come out of this exercise is the commonality across all the multi-agency partnership in terms of planning post pandemic. This is a clear shared concern and partners, agencies, organisations, and colleagues are all sighted on this.

Any comments at this stage are very welcome and will be fed back into the task and finish group

RMG said it was important that the plan was developed to be a lot simpler but at this stage it was desired to bring the work so far developed back to the Board to capture initial thoughts

PA and AD both thought the plan looked good and was an improvement on the current iteration.

PR wondered if it might be possible to test out with members of the public to gauge reaction and understanding.

RMG concluded saying it might still be a bit busy in terms of design for the public and that further consideration of language is required. However, in terms of guidance for the partnership this represents a very good start.

9. NHS White Paper update

This is a standing agenda item

CR said there are no updates for the Board at present. However, there are anticipated safeguarding routes within the white paper that require consideration. CR Chairs the CCG designate network and one clear proposal is in terms of place-based responsibilities. The architecture of this can't be described at present but it is clear that place-based teams are required to integrate locally. It's vital that local relationships are not lost.

RMG asked in terms of anticipated timescales.

CR – The aim is to have timescales established by September 2021 which can then be shared with the Board

10. National and Regional Updates

RMG reported on the meeting of National SAB Chairs and confirmed the five priorities agreed on. They are:

1. Focus on inequalities and the diaspora across adults linking in the Black Lives Matter agenda.
2. Hidden harms for adults with learning disabilities.
3. Liberty Protection Safeguards (LPS) – Significant work is required for the introduction of LPS to replace Deprivation of Liberty Safeguards (DoLS)

4. Work across integrated area footprints. Assessing how SAB's fit in with the NHS
5. Respond to SAR's analysis.

As further discussion takes place this will be reported back to the Board

11. Agency Safeguarding updates and local issues

Tanya Simmons (TS) raised the concern that there have recently been several fatalities in West Yorkshire surrounding people drowning in areas of water during the recent hot weather. West Yorkshire Fire and Rescue (WYFR) have been promoting water safety at schools around the county.

Emily Parry-Harries (EPH) wondered if something might be achieved by messaging around children's swimming pool programmes as well as at schools. Could we do something around children's swimming programmes?

TS – This would be helpful. We have a road safety partnership group in Kirklees but not a water safety one. This is an issue that needs to be considered. If anybody has any links with schools that could be shared this would be useful.

EPH – Holds a relationship with Kirklees Adult Leisure (KALS) and linking in via this route could be helpful. EPH is happy to share this link with TS as well as linking in via the 0-19 Thriving Kirklees Children's agenda

PR – Barriers to entry to local pools is a significant problem and really does need to be looked at. There is a membership requirement and as Covid-19 restrictions are eased there is the risk of children using unsafe outdoor water areas.

EPH – Will reflect this in future meetings with KAL. Please could PR flag this up with EPH via e-mail

Action: PR to liaise with EPH via e-mail to describe situation regarding children's access to public swimming pools.

AD reported that there are now significant pressures at CHFT in terms of covering gaps in staffing and that this needed to be reported to the Board. CHFT have gone into the Gold Command position.

Marie Gibb (MG) said that there are also similar conditions currently being experienced at Mid Yorkshire Hospitals Trust (MYHT) with low staffing levels and an increase in Covid-19 hospitalisation cases. Some safeguarding divisions are helping in terms of complex needs discharging and are supporting clinically at times. There is, however, some success in terms of additional recruitment.

CR reported very similar conditions citing the Yorkshire Ambulance Service. The CCG will, where we can, help and assist including in terms of representation at KSAB. Subgroup meetings.

12.AOB

CR informed the Board that the Learning Disability Mortality Review (LeDeR) programme is currently developing in a process of change looking at scope and practice. This will be brought back to the Board in future meetings

13.Next Meeting Date

Friday 5th November 2021, 1:00pm – 3:00pm
Virtual via MS Teams

Actions from meeting 7th May 2021

Item 7

JG to set up a task and finish group looking at adults missing from health and care settings. JG will lead on this

PW said this item related to missing adults' protocols and we should investigate if there were any gaps for scoping in consultation with SAPT

Not completed. Carried forward.

Actions from meeting 23rd July 2021

Item 5

Partners, Organisations and Colleagues to provide comments on the executive summary and press release on the SAR's for Adult N and Adult M via the KSAB mailbox ksab@kirklees.gov.uk by 30th July 2021

Item 11

PR to liaise with EPH via e-mail to describe situation regarding children's access to public swimming pools.