

Adult Review Group Meeting (ARG)

Estelle Buscombe attended the February meeting of the ARG Group and has produced this comprehensive report, which begins with an update on the minutes of the previous meeting. The person presenting a particular item is noted in brackets beside their title.

Minutes from November Meeting - Update

(Kate Anderson, IC)

2.3 – Mental Health Assessments

The RAP Guidance has been amended to clarify how these should be treated.

5.3 – NI 125

A FAQ list is being compiled, and will be sent out in the next few weeks along with the revised RAP Guidance.

(Update - The RAP Guidance is now located here: <http://www.ic.nhs.uk/webfiles/Services/Social%20care/Collections%202008%202009/RAP/Info%20and%20Guide%20for%202008-09%20RAP%20-%20v1.1%20.pdf>)

Anthony Harris will also circulate a social care returns newsletter (replacing the newsletter that previously just covered RAP). This will include the NIs and will signpost people to relevant important information issued by other departments. (This was in response to our request for a central channel of communication to ensure all LAs find out about changes to NI definitions, although the IC are also encouraging the Dept. of Health to issue something.)

8.2 Professional Support

The extra validation checks will be carried out in 2008/09 as planned. Dorset reported that some LAs are counting self-funders as receiving professional support (as they carry

out an annual check on them after helping them to arrange their care), thereby almost doubling their figure for P2s! Whilst it was accepted that there are occasions when self-funders do receive professional support, there was concern over this and the IC will develop guidance to clarify exactly what should be included in RAP.

Main Agenda

Abuse of Vulnerable Adults Return

(Anthony Harris, IC)

Group members received a report following the pilot for this new return. Some slight amendments have been made to the return, trying to balance the burden of its completion against the information required.

(The original guidance and return can be viewed under the ARG papers for 16 July 2008 here: <http://www.ic.nhs.uk/services/social-care/review-approval-and-development/adult-review-group>)

Referring to these papers, some slight amendments were requested and agreed:

- The dates to which the Return applies to be added to the front cover and forms.
- Table 1 – to add a row for “Total excluding unknowns”

- Table 3 – “Social care staff” refers to all people working in social care, not just those employed by Social Services Departments. Similarly, “NHS staff” to be amended to “Health staff”.
- Table 5 – Care homes and care homes with nursing – possibly change these to permanent and short-term.
- Table 5 – The sum of the first four columns does not have to equal that for the last five columns.
- Table 6a/b – For convenience, the order will be changed to match that for Table 3.
- Table 8 – Guidance to be amended to remove “Protection Plan Offered”.

Additionally,

- Table 6a – It was pointed out that a “Main Carer” would be a partner/family member/friend/neighbour and hence the “Main Carer” row should be recorded separately as a subtotal of the whole. The IC will confirm whether or not this change will be made.
- The deadline for the return is also still to be confirmed.

Members requested a list of all data items required by the return to act as a “shopping list” to make it clearer exactly what information it requires and to help set up information systems.

Adult Review Group Meeting cont.

This will now go to SIGASC on March 19th. LAs will be informed of the final version by 31st March.

Preserved Rights Survey

(Siobhan McTeigue & Sarah Home, DH)

In 2009-10, the Department of Health will pay local authorities £247m to support social care clients who used to have preserved rights (FPR clients). The latest data they hold on the number of FPR clients is from 2002. DH is therefore planning to update this information by surveying LAs to ascertain the number of social care clients now who used to have PR. This information will be used to check that the PR grant is being fairly distributed.

Members were asked if they would know how many service users they have (both 18-64 years and 65 years of age and over) who are Former Preserved Rights clients. It was agreed that LAs would know this (as it was used in the PSA target concerning older people supported to live at home independently, similar to PAF B11). These two figures are the only information that is required for the survey, although they may well need to be signed off by a Director or AD.

DH plans to carry out this survey in September 2009, giving LAs four weeks to reply. It was felt that this would be adequate time. The figures would be snapshots either as at 31/08/09 or 30/09/09 – the DH will decide that before the survey goes to SIGASC for

approval. The results will then be put on their website at a later date.

Mental Capacity Act Deprivation of Liberty Safeguards (MCA DoLS) – Proposed data collection

(Kate Hardy, DH)

Background

The Mental Capacity Act 2005 Deprivation of Liberty Safeguards is a response to a European Court of Human Rights judgement in October. The Court found that an autistic man with a learning disability, who lacked the capacity to decide about his residence and medical treatment, and who had been admitted informally to Bournwood Hospital, was unlawfully deprived of his liberty in breach of Article 5 of the European Convention on Human Rights (ECHR).

The MCA DoLS remedy this breach of the ECHR and are scheduled to go live on 1 April 2009. They provide a framework for the lawful deprivation of liberty of those people who lack capacity to consent to arrangements made for their care or treatment in either a hospital or care home, and need to be deprived of liberty in their own best interests to protect them from harm.

The MCA DoLS are about safeguarding the interests of vulnerable people. Specifically they:

- prevent arbitrary decisions that deprive people who lack capacity of their liberty

- provide people who are deprived of liberty with representatives to advocate on their behalf
- provide people who are deprived of liberty with rights of appeal against unlawful detention

There is a statutory requirement for all care homes and hospitals (known as 'managing authorities') as well as local authorities and primary care trusts (known as 'supervisory bodies') to keep clear and comprehensive records for every person deprived of their liberty. This includes records of applications for authorisations, details of the assessment process, information about the relevant person's representative and the documentation related to termination of authorisation.

To assist with this record-keeping requirement, and to ensure the administration of the MCA DoLS system is as straightforward and seamless as possible, the Department of Health has developed a number of standard forms for use by both supervisory bodies and managing authorities. If used in their unedited form, these forms ensure compliance with the safeguards and promote a consistent approach to record keeping.

All the information required for monitoring purposes can be taken from these standard forms. It is proposed that data be collected via the Omnibus system facilitated by the Information Centre for Health and Social Care.