

Safeguarding Adults Review

Joanna, Jon & Ben

Heather Roach

Update to HSOC
8 September 2022

Background

On [9 September 2021](#) the Norfolk Safeguarding Adults Board (NSAB) published a Safeguarding Adults Review (SAR) following the deaths of Joanna, Jon and Ben, patients with learning disabilities and/or autism, at Cawston Park private hospital. The hospital is now closed.

NSAB accepted the SAR report findings and recommendations in full.

NOTE: Recommendation E (N&WCCG and NCC should transfer all its remaining patients from this Hospital) – completed.

On day of the SAR publication - is the the lead story on the national news channels, BBC, ITV and Channel 4 that evening.

Progress Summit



On [6 September 2022](#) the Norfolk Safeguarding Adults Board (NSAB) held a *Progress Summit* to bring together the organisations tasked with the delivery of recommendations and with it system change arising from the SAR relating to Joanna, Jon and Ben and look at what progress has been made 12 months on from the publication of the report.

3 key questions:

- 1) what has already been achieved?
- 2) What more is there to do and
- 3) What are the barriers to achieving it?

Update on **local** recommendations

Recs B & C – Ethical commissioning:
‘Considerable groundwork’



Update on **local** recommendations

Recs B & C – Ethical commissioning – ‘Considerable groundwork

Norfolk and Waveney CCG and Norfolk ASSD should review their commissioning arrangements to embrace “*ethical commissioning*.”

c) Evidence of changing commissioning arrangements should be shared with Norfolk’s SAB.

How commissioning enabled focus on ethical practice – including ethical employment, tax compliance, transparency, localism, ethical vision and community benefit.

- Engagement of Curators of Change (CIC) – facilitate the co-production of ECF
- ICS Social Care Quality Improvement Programme / Fair Cost of Care review / NW Social Care Workforce strategy
- Review of contract management & monitoring / NorCA led development of care worker framework to support evaluation of roles and skills
- Implemented Quality Improvement & Escalation Policy (QIEP)

CIC = Community Interest Company

ECF = Ethical Commissioning Framework

Update on **local** recommendations

Recs B & C – Ethical commissioning – ‘Considerable groundwork

Norfolk and Waveney CCG and Norfolk ASSD should review their commissioning arrangements to embrace “*ethical commissioning*.”

c) Evidence of changing commissioning arrangements should be shared with Norfolk’s SAB.

How commissioning enabled focus on ethical practice – including ethical employment, tax compliance, transparency, localism, ethical vision and community benefit.

- Needs to be achievable within constraints – such as resources
- How to define the scope of services included. Initially the scope will focus on LD&A
- To ensure the right representation for the new Board to ensure ownership across all relevant organisations.

CIC = Community Interest Company

ECF = Ethical Commissioning Framework

Update on **local** recommendations

Coalition for Change (C4C)

- Co-produce an activity and communications strategy for the next 12 months
- Complete membership of the core group; to include people with lived experience and family members
- To 'map' work being carried out by other projects to avoid overlap of effort and to provide support where necessary.

Update on **local** recommendations

Tricordant – East of England NHSE

- Commissioned in Jan 2022 to look at what needs to be in place to achieve zero avoidable episodes of inpatient care.
- Diagnostic phase and emerging themes
- Five key workstreams
 - Data analysis – demand and capacity
 - Supporting people through major life transitions
 - Community provision and market development
 - Regional plan for inpatient provision
 - Governance and financial flow

Update on **local** recommendations

Recs M – Tackling racism

The taboo of addressing the racism of people with cognitive impairments remains to be explicit and made visible in all services. Norfolk's SAB should begin a process of

(i) gathering the efforts and experiences of the county's service providers in challenging racism and racist stereotyping and

(ii) convening "world café" conversations with providers and other interested people, including those at the sharp end of injustice.

- "Mistreatment and inequalities of racialised care home staff in UK" (2021)
- Survey of 2000 social workers by Sector Coalition: "Anti-racism report" (2022)
- Development of clear anti-racist procedures and practical, non-theoretical guidance for managers
- Recording on systems and reporting relevant information to the Police
- Warning letters to service-users

Update on **local** recommendations

Recs M – Tackling racism

- Explore implementation of “risk alerts” to highlight in case-management where staff or service users may be at risk of racism
- £10,000 funding secured to implement face-to-face anti-racism training for supervisors ‘script’ to challenge language and behaviours in meetings that are not inclusive
- Review key operational policies – e.g. “Refusal of Care Staff by a Service User” to ensure that vulnerable service users are protected
- Explore a pilot for restorative work with service users who exhibit racist language or behaviours.

Update on national recommendations

Rec A – Review of legal position of private companies

Law Commission

A review of the current legal position of private companies, their corporate governance and conduct in relation to services for adults with learning disabilities and autism (Rec A)

- 2 teams at the Law Commission have responded – Criminal Law Team is looking at neglect & ill-treatment of vulnerable people (as part of wider review of corporate criminal liability)
- Corporate Criminal Liability project options paper published 10 June 2022 – possibility of offence of *failure to prevent neglect or ill-treatment*
- Option to broaden the basis of liability

Update on national recommendations

Rec A – Review of legal position of private companies

Law Commission

A review of the current legal position of private companies, their corporate governance and conduct in relation to services for adults with learning disabilities and autism (Rec A)

- Public Law Team – potential reform of regulation of the ‘fit and Proper Person Test’
- Preliminary discussions with both DHSC and other stakeholders to gauge support this proposal have taken place

Update on national recommendations

Rec F – Additional rights & protections

DHSC

What additional rights and protections will be afforded to adults with learning disabilities and autism who become vulnerable to detention in the same clinical settings under the Mental Capacity Act (2005) (Rec F)

- Reform of the Mental Health Act (MHA) 1983 (27 June 2022)
 - A person with LD or A only detained under Sec 3 if they have co-occurring MH condition (could still be detained under Sec 2 for up to 28 days)
 - Recommendation from Care & Treatment Reviews (CTRs) made statutory
 - Duties on ICBs to understand risks of crisis for individuals & for ICB and LA to ensure adequate community services for LD and A people at risk of detention under MHA

Update on national recommendations

Rec F – Additional rights & protections

DHSC

What additional rights and protections will be afforded to adults with learning disabilities and autism who become vulnerable to detention in the same clinical settings under the Mental Capacity Act (2005) (Rec F)

- Parliament to undertake pre-legislative scrutiny, joint committee set up
- Broader work as part of the Building the Right Support programme – action plan published 14 July 2022
 - £90 million in 2022/23 to develop community support & support discharge
 - ICB required to have a named lead for LD and A
- Reform of DoLS

Update on national recommendations

Rec D, G, H & I – safe and wellbeing checks & commissioner guidance

NHSE

Updates on the response and actions on the Recs D, G, H & I including safe and wellbeing checks and commissioner guidance.

Noted that this SAR has helped focus a lot of activity from NHSE

- guidance clarifying Roles and Responsibilities for Quality Assurance for commissioners + bite-size guidance coming soon
- NEW 'due diligence' guidance for when commissioners are making a decision about the most suitable inpatient provision for an individual
- commissioning qualification - Level 5
Commissioning for wellbeing - Learning Disability and Autism

Update on national recommendations

Rec D, G, H & I – safe and wellbeing checks & commissioner guidance

NHSE

Updates on the response and actions on the Recs D, G, H & I including safe and wellbeing checks and commissioner guidance.

Noted that this SAR has helped focus a lot of active by NHSE

- [Commissioner Oversight Guidance](#) is being reviewed - sufficient emphasis upon the need for commissioners to check daily activities
- Review of Care (Education) and Treatment policy by the end of 2022
- In the refresh national [Care \(Education\) and Treatment Review policy](#) – *a C(E)TR is undertaken when a person moves from one hospital to another regardless of the date of the last C(E)TR*

Update on national recommendations

Rec D, G, H & I – safe and wellbeing checks & commissioner guidance

NHSE

Updates on the response and actions on the Recs D, G, H & I including safe and wellbeing checks and commissioner guidance.

Noted that this SAR has helped focus a lot of activity by NHSE

- Developing and issuing specific guidance about the use of CPAP for individuals with a learning disability and autistic people
- As part of reviews – have to be in person and spent at least 3 hours on the ward / unit

Update on national recommendations

Rec J – cancellation of registration

CQC

Legal process of registration cancellation should proceed irrespective of a service's improvements if these are attributable to the ongoing efforts of the NHS, local authority social care employees and Inspectors. (Rec J)

Note: NSAB met with CQC on 10 September 2021.

- CQC have made a commitment NOT to register new hospitals providing Assessment and Treatment for people with LD and/or autistic people unless they meet [Right Support, Right Care, Right Culture \(RSRCRC\)](#)
- [50 Applications withdrawn](#)
- [11 refused](#)
- [8 in process of refusal](#)

Update on national recommendations

Rec K – family-centred approaches & engage with patients' relatives

CQC

The consequences of Cawston Park Hospital's failure to enable family-centred approaches and engage with the expertise of patients' relatives. To maintain public confidence, CQC may wish to confirm

- (i) that it has no remit to determine whether patients should remain in such services, not least since this conflicts with national policy; and
- (ii) what specific actions it proposes to take in relation to locked wards in specialist hospitals and units

- CQC no longer recognises or uses the terminology 'locked wards' or 'locked rehab'
- Aims to ensure that all LD and A service inspections are appropriately supported with the use of experts by experience and specialist advisors – difficulty recruiting

Next steps ?

Maintaining the momentum

- Co-ordination of local recommendations – ICB role?
- Development of recommendations from Tricordant / Norfolk review (Phase 1)
- Development of the “Coalition for Change” plus recruitment of co-Ordinator
- Maintaining contact and influencing national agenda
- Producing de-brief document from Progress Summit