Safeguarding Children and Adults in the Future NHS

Practice Areas Affected:
Safeguarding children, young people and vulnerable adults.

Status:
Interim advice (non-statutory)

Useful Links:
To view ‘Arrangements to Secure Children’s and Adult Safeguarding in the Future NHS - the New Accountability and Assurance Framework - Interim Advice’ see the link below:


Changes to the structure of the NHS

The NHS is currently in the process of implementing a major programme of reform following the passage of the Health and Social Care Act 2012.

From April 2013, Clinical Commissioning Groups (CCGs), led by GPs and other clinicians, will take over from Primary Care Trusts (PCTs) the responsibility for commissioning most local healthcare services. The NHS Commissioning Board will support CCGs and hold them to account and will itself be responsible for commissioning some healthcare services. Local authorities will become responsible for most local public health functions, supported by Public Health England.

As part of this process, the NHS Commissioning Board Authority has been working with the Department of Health and health, local authority and other partners to develop an Accountability and Assurance Framework that will clarify future roles and responsibilities for safeguarding both children and young people and adults within the reformed NHS. They expect to publish the full framework in the autumn, at the same time as the Department for Education publishes the revised Working Together to Safeguard Children and related statutory guidance.

The Department of Health and the NHS Commissioning Board Authority have agreed to establish a Safeguarding Children Transition Board, which will co-ordinate the development of the final Accountability and Assurance Framework and oversee its implementation through transition to April 2013.
In the meantime, interim guidance ‘Arrangements to Secure Children’s and Adult Safeguarding in the Future NHS - the New Accountability and Assurance Framework – Interim Advice’ has been issued.

This advice focuses primarily on the new NHS commissioning system. It provides additional information, in particular, to emerging Clinical Commissioning Groups (CCGs) which will need to demonstrate as part of authorisation, that they have appropriate systems in place for discharging their responsibilities in respect of safeguarding. The advice also sets out how the NHS Commissioning Board is expected to deliver its own safeguarding responsibilities, both as a commissioner and in its wider oversight, assurance and policy role, and outlines ongoing work to help secure successful implementation.

PCTs and Strategic Health Authorities (SHAs) continue to be subject to the statutory responsibilities under the Children Act 2004 and must continue to meet the requirements set out in detail in Working Together to Safeguard Children.

What do these changes mean for safeguarding?

Both CCGs and the NHS Commissioning Board will be statutorily responsible for ensuring that the organisations from which they commission services provide a safe system that safeguards children and vulnerable adults. This includes specific responsibilities for looked after children and for supporting the Child Death Overview process. Local authorities will have the same responsibilities in relation to the public health services that they commission, including public health services for children aged 5-19.

Both CCGs and the NHS Commissioning Board will have a statutory duty to be members of Local Safeguarding Children Boards (LSCBs) and Safeguarding Adults Boards (SABs) (which will be put on a statutory footing by the Care and Support Bill, when enacted), working in partnership with local authorities to fulfil their safeguarding responsibilities.

In addition to the distinct responsibilities that the NHS Commissioning Board will have as a commissioner of primary care and other services, the Board will also be responsible for developing overall NHS policy on safeguarding, providing oversight and assurance of CCGs’ safeguarding arrangements and supporting CCGs in meeting their responsibilities. This will include working with the Care Quality Commission (CQC), professional regulatory bodies and other national partners.

In relation to children and young people, Sections 11 and 13 of the Children Act 2004 have been amended so that the NHS Commissioning Board and 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 and to be members of LSCBs. The revised version of Working Together will set out expectations as to how these duties should be fulfilled. The draft Care and Support Bill sets out comparable requirements with respect to safeguarding vulnerable adults, including membership of Safeguarding Adults Boards.

NHS Commissioning Board

The NHS Commissioning Board, through the leadership of the Chief Nursing Officer, will:

- ensure that the Board meets its specific safeguarding duties in relation to the services that it directly commissions (e.g. primary care, specialised services);

- act as the policy lead for NHS safeguarding, including leading and defining improvement in safeguarding practice and outcomes;
• lead, in conjunction with Regional Nursing Leads, annual assurance and peer review processes for both CCGs and directly commissioned services;

• provide specialist safeguarding advice to the NHS;

• lead joint work with CQC on a joint information sharing protocol

The regional and local area teams of the Board will each have a Director of Nursing who will have the lead responsibility for safeguarding for both adults and children. They will convene Local Safeguarding Networks bringing together the safeguarding leads and other key stakeholders.

Clinical Commissioning Groups

CCGs will need to demonstrate as part of their authorisation process that they have appropriate systems in place for discharging their responsibilities in respect of safeguarding, including

• plans to train staff in recognising and reporting safeguarding issues

• a clear line of accountability for safeguarding, properly reflected in the CCG governance arrangements

• appropriate arrangements to co-operate with local authorities in the operation of LSCBs and SABs

• securing the expertise of a designated doctor and nurse for safeguarding children and for looked after children and a designated paediatrician for unexpected deaths in childhood

• having a safeguarding adults lead and a lead for the Mental Capacity Act, supported by the relevant policies and training.

A CCG’s leadership arrangements for adult safeguarding will need to include responsibility for ensuring that the CCG commissions safe services for those in vulnerable situations, including effective systems for responding to abuse and neglect of adults in vulnerable situations and effective interagency working with local authorities, the police and third sector organisations. CCG leads for safeguarding adults will need to have a broad knowledge of healthcare for older people, people with dementia, people with learning disabilities and people with mental health conditions.

Where the designated professionals are currently employed within PCTs, it is expected that their employment will transfer to a CCG. Where the designated professionals (most likely the designated doctor) are employed within a provider organisation, the CCG will need to have a service level agreement with the provider organisation that sets out the practitioner’s responsibilities and the support they should expect in fulfilling their designated role. In some areas there will be more than one CCG per local authority and LSCB/SAB area, and CCGs may want to consider developing ‘lead/hosting’ arrangements for their designated professional team.

It is strongly recommended that future plans and arrangements are discussed with the Chair of the LSCB, the chair of the SAB, the local authority’s Directors of Children’s Services and the Director of Adult Social Care, who may also be providing feedback as part of the authorisation process.
Leadership and Assurance

It is envisaged that the central and regional teams of the NHS Commissioning Board will take lead responsibility for policy on safeguarding and for overall assurance of the NHS safeguarding system, whilst the local area teams of the Board will have the responsibility for day-to-day support, leadership and assurance.

Local area teams will provide assurance that the local health system including CCGs and designated professionals are meeting their responsibilities effectively. The role will include:

- assuring through the annual review process that the NHS is delivering improved outcomes for children
- co-ordinating and supporting local leadership of external reviews
- working with LSCBs, SABs and Health and Wellbeing Boards. The annual review process would also give additional assurance to the LSCB and the HWB, when used in conjunction with the CQC (and other inspections).

The NHS Commissioning Board Authority is considering with CCGs and partner organisations how these processes might feed into the annual assessment of CCGs.

Local Safeguarding Children Boards (LSCBs)

LSCBs will continue to be the key statutory mechanism for agreeing how the relevant organisations in each local area will co-operate to safeguard and promote the welfare of children in that locality, and for ensuring the effectiveness of what they do. Through its annual report, the LSCB will provide a comprehensive analysis of safeguarding children in the local area.

Local CCGs and the NHS Commissioning Board will be members of the LSCB, and the LSCB will be able to involve the Commissioning Board in ensuring full local NHS engagement.

Safeguarding Adults Boards (SABs)

The draft Care and Support Bill proposes putting SABs on a stronger, statutory footing. It is intended that CCGs and the NHS Commissioning Board will become statutory members of SABs. The SAB will be able to determine its own strategic plan, with the local community, to protect adults in vulnerable situations from abuse and neglect. The Board will publish its safeguarding plan and report annually on progress to ensure that agencies’ activities are effectively coordinated.

Local Authorities

Local authorities will continue to be the lead statutory organisations for safeguarding, but with some new resources and levers, in particular the creation of health and wellbeing boards and the integration of public health with local government.

The Director of Public Health will be a member of the Health and Wellbeing Board and should ensure that the needs of vulnerable children and adults are a key part of the Joint Strategic Needs Assessment.
Health and Wellbeing Boards (HWBs)

Health and Wellbeing Boards will have overall strategic responsibility for assessing local health and wellbeing needs and agreeing Joint Health and Wellbeing Strategies for each local authority area.

Work is still underway to define the formal relationship between Health and Wellbeing Boards and LSCBs but the responsibilities of the LSCB will complement those of the Health and Wellbeing Board, and the LSCB should not be subordinate to or subsumed within local structures that might compromise its separate identity and voice. There will need to be a clear distinction between the roles and responsibilities of the LSCB and the Health and Wellbeing Board.

Local Safeguarding Forums

Local Area Teams of the NHS Commissioning Board will establish Local Safeguarding Forums. The role of these forums should include:

- the provision of supervision and support to designated professionals including those responsible for looked after children.
- provision of specialist advice and expertise to CCGs and Local Area Teams
- driving improvement in safeguarding practice
- underpinning system accountability through peer review based assurance that will be developed in line with the overall NHS CB approach to quality improvement.
- ensuring succession planning and the commissioning of appropriate education and development for designated professionals through engagement with Health Education England.

Next steps

The advice acknowledges that there are a number of pieces of work that need to be completed in order that a full Accountability and Assurance Framework for safeguarding children and adults in the NHS can be produced.

These include:

- further work on how the partnerships with CQC and Monitor will operate, including the information sharing and early alert system
- continuing work with DfE on the production of the revised Working Together statutory guidance
- production of specimen/best practice ‘hosting’ and service level agreements for CCGs
- finalising the structures by which the NHS CB will discharge its own commissioning responsibilities, including further work on named GP support and the Safeguarding Forums
- continuing work with the NHS Confederation, Royal College of Paediatrics and Child Health and other stakeholders to ensure clarity about requirements for provider organisations
- contributing to the design of the framework for the annual assessment of CCGs.
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