



Wirral Clinical Commissioning Group

COMMISSIONED SERVICES STANDARDS FOR SAFEGUARDING CHILDREN AND ADULTS AT RISK

**Incorporating Safeguarding & Mental Capacity Act
standards for commissioned services**

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Introduction

NHS WIRRAL Clinical Commissioning Group, as with all other NHS bodies, has a statutory duty to ensure that it makes arrangements to safeguard and promote the welfare of children and young people that reflect the needs of the children they deal with; and to protect adults at risk from abuse or the risk of abuse.

In discharging these statutory duties/responsibilities account has been taken of:

- *Safeguarding Vulnerable People in the NHS – Accountability and Assurance Framework (NHS England July 2015)*
- *Working Together to Safeguard Children (HM Government March 2015)*
- *Promoting the health and well-being of looked-after children Statutory guidance for local authorities, clinical commissioning groups and NHS England (March 2015)*
- *Section 11 Children Act 1989 (2004)*
- *The Care Act 2014 (DOH 2014)*
- *Mental Capacity Act 2005: Code of Practice (Department for Constitutional Affairs 2007) Department of Health Guidance: Response to the Supreme Court Judgment/ Deprivation of Liberty Safeguards (October 2015)*
- *The NHS Outcomes Framework 2015/16 (December 2014)*
- The policies and procedures of the Local Safeguarding Children Board (LSCB) and the Local Safeguarding Adults Board (LSAB).
- *Compassion In Practice (NHS England, 2013)*
- *Regulation 5: Fit and proper persons: directors and Regulation 20: Duty of candour Guidance for NHS bodies (Care Quality Commission, November 2014)*

As a commissioning organisation NHS WIRRAL Clinical Commissioning Group is also required to ensure that all health providers from whom it commissions services (both public and independent sector) have comprehensive single and multi-agency effective safeguarding arrangements in place to safeguard and promote the welfare of children and to protect adults at risk from abuse or the risk of abuse; that health providers are linked into the Local Safeguarding Children and Safeguarding Adult Boards and that health workers contribute to multi-agency working.

This document provides clear service standards against which healthcare providers (including voluntary, community and faith sector (VCFS) and Care Homes) will be monitored to ensure that all service users are protected from abuse and the risk of abuse. Safeguarding forms part of the NHS standard contract and is a requirement for any contractual agreement formally approved with our providers.

Scope

This set of standards aims to ensure that no act or omission by NHS WIRRAL Clinical Commissioning Group as a commissioning organisation, or via the services it commissions, puts a service user at risk; and that rigorous systems are in place to proactively safeguard and promote the welfare of children, and protecting adults who have care and support needs from abuse or neglect and to support staff in fulfilling their obligations.

Co-commissioners will be notified of a provider's non-compliance with the standards in this document; they will also be notified of reported serious untoward incidents that have compromised the safety and welfare of a child/vulnerable adult resident within their population in line with the assurance process within these standards.

Principles

In developing the standards NHS WIRRAL Clinical Commissioning Group recognises that safeguarding children and adults at risk is a shared responsibility with the need for effective joint working between agencies and professionals that have different roles and expertise if those vulnerable groups in our society are protected from harm. In order to achieve effective joint working there must be constructive relationships at all levels, promoted and supported by:

- the commitment of senior managers and board members to safeguarding children and adults at risk
- clear lines of accountability within the organisation for work on safeguarding
- service developments that take account of the need to safeguard all service users, and is informed, where appropriate, by the views of service users
- safeguarding training and continuing professional development so that staff have an understanding of their roles and responsibilities, and those of other professionals and organisations in relation to children, adults and looked after children
- safe working practices including recruitment and vetting procedures
- effective interagency working, including effective information sharing

NHS WIRRAL is committed to working with our local authorities to ensure the integration of care and support provision, including prevention with health and health-related services. This responsibility includes in particular a focus on integrating with partners to prevent, reduce or delay needs for care and support.

NHS WIRRAL Clinical Commissioning Group *Operational Plan 2016* sets out the commissioning intentions and concurrent duty to provide a comprehensive healthcare service. Within that duty the NHS must meet all reasonable requirements for healthcare, subject to the duty to live within its allocated resources, including the principles to promote wellbeing within our local communities.

Definitions

Children

The Children Act 1989 and 2004 defines a **child** as anyone who has not yet reached their 18th birthday. 'Children' therefore means children and young people throughout.

Working together defines safeguarding and promoting the welfare of children as:

- protecting children from maltreatment
- preventing impairment of children's health or development
- ensuring that children grow up in circumstances consistent with the provision of safe and effective care; and
- taking action to enable all children to have the best outcomes

Adults

The Care Act 2014 defines an adult at risk as a person who is 18 or over and where a local authority has reasonable cause to suspect that an adult in its area (whether or not ordinarily resident there)

- (a) Has needs for care and support (whether or not the authority is meeting any of those needs)
- (b) Is experiencing, or is at risk of, abuse or neglect, and
- (c) As a result of those needs is unable to protect himself or herself

“Adult safeguarding” is working with adults with care and support needs to keep them safe from abuse or neglect. It is an important part of what many public services do, and a key responsibility of local authorities.

Safeguarding Children and Adults at risk

Responsibilities for Commissioning Organisations

- The ultimate accountability for safeguarding sits with the commissioning Chief Officer of NHS WIRRAL Clinical Commissioning Group. Any failure to have systems and processes in place to protect children and adults at risk in the commissioning process, or by providers of health care that the organisation commissions would result in failure to meet statutory and non-statutory constitutional and governance requirements.
- The NHS WIRRAL Clinical Commissioning Group has established and maintains good constitutional and governance arrangements with capacity and capability to deliver safeguarding duties and responsibilities, as well as effectively commissioning services ensuring that all service users are protected from abuse and neglect.
- There are clear lines of accountability for safeguarding, reflected in governance arrangements.
- As commissioners we ensure all providers with whom there are commissioning arrangements have in place comprehensive and effective policies and procedures

to safeguard children and adults at risk in line with those of the Local Safeguarding Children Board / Local Safeguarding Adult Board.

- As commissioners we ensure safeguarding is at the forefront of service planning and a regular agenda item of Governing Body business.

Responsibilities of health care providers receiving NHS funding

- Must demonstrate that they are meeting regulatory requirements in order to register with Care Quality Commission and then continue to deliver regulated services, inclusive of the Fundamental Standards on Safeguarding from Abuse : fit and proper Staff: and duty of candour, capturing the Key Lines of Enquiry in the 5 standard questions
- Must be able to demonstrate that they have safeguarding leadership and commitment at all levels of their organisation. Including engagement in the local accountability and assurance structures, in particular via the Local Safeguarding Children Boards & Safeguarding Adults Board and NHS WIRRAL Clinical Commissioning Group.
- Must be able to demonstrate they have effective arrangements in place to safeguard vulnerable children and adults and to assure themselves, regulators and their commissioners that these are working.
- Must be able to demonstrate they promote provision of high quality care.
- Must be able to demonstrate they treat and care for children, young people and adults at risk in a safe environment protecting them from avoidable harm.
- Must be able to demonstrate they ensure effective responses where harm or abuse occurs through inter agency safeguarding policies and procedures within the provider organisation.
- Must be able to demonstrate that they support the responsible local authority to fulfil their corporate parenting role when treating and caring for a looked after child

Assurance Process

The Clinical Commissioning Group will assure themselves through the contract review process that the provider is meeting the relevant safeguarding standards and will take appropriate action where they do not. Where the Clinical Commissioning Group is the lead commissioner they will:

- Establish a baseline for each provider against the relevant standards.
- Monitor against the set of standards on an annual basis.
- If an action plan is required this will be monitored quarterly until compliance is achieved.
- Associate commissioners will be informed of the outcome of the audit and of any gaps identified/actions being taken

Methods of Monitoring Compliance

NHS WIRRAL Clinical Commissioning Group assurance consists of the provider completing the annual Local Safeguarding Children Board (LSCB) section 11 audit and the Local Safeguarding Adult Board (LSAB) Safeguarding Audit. This is via the virtual college web based audit whose link is contained within this document. Other assurance will consist of assurance visits and or attendance at provider safeguarding committees

The commissioners expect the providers to demonstrate they have appropriate systems in place for discharging their statutory duties in terms of safeguarding.

The links to the LSCB/LSAB audits are detailed in appendices 1 – 2

The LSCB section 11 / LSAB self-assessment audit completion will be formally requested/ issued by NHS WIRRAL Clinical Commissioning Group to the applicable organisation at the contract meeting and any additional assurances such as visits will also be agreed. The auditing tool will be completed by the provider organisation and all standards rated Red, Amber or Green (RAG rated).

Following completion of the LSCB section 11 /LSAB annual safeguarding self-assessment audit by healthcare providers, NHS WIRRAL Clinical Commissioning Group will use the returned evidence and self-assessment to establish a baseline against safeguarding standards. The safeguarding self-assessment audit will be repeated annually. The criteria for rating are as follows:

Adult RAG	Children Grade	Criteria for assessment
Red	Grade 0	No evidence/ not met
Amber	Grade 1	Partially/mostly: Improvement plans in place to ensure full compliance and progress is being made within agreed timescales
Green	Grade 2	Fully compliant (remains subject to continuous quality improvement)

The provider organisation will need to provide evidence to **demonstrate** compliance with their self-assessment of the standards. The Designated Professionals for Safeguarding will review the LSCB section 11 / LSAB safeguarding self-assessment audit tool with the evidence provided (assurance process see appendix 1).

Breaches of accountability and assurance

Where it is not possible to comply with the expected standards within this document or a decision is taken to depart from it, this must be notified to NHS WIRRAL Clinical Commissioning Group Director of Quality and Patient Safety so that the level of risk can be assessed and an improvement plan can be formulated.

NHS WIRRAL Clinical Commissioning Group as host commissioner will notify associate commissioners of a providers non-compliance with the standards contained in this document, including action taken where there has been a **significant failure** in assurance as detailed in the assurance process flowchart (Page 10).

NHS WIRRAL Clinical Commissioning Group and the provider could include breaches in standards on their organisational risk registers and inform the relevant Local LSCB or LSAB and Associate Commissioners (where appropriate) about the gaps identified. This will ensure improvement plans are linked to the organisational and inter-agency governance arrangements.

Any breaches or deterioration of safeguarding standards Will be raised as a contract query. A performance notice could be issued and appropriate contractual levers utilised.

This will also be escalated to NHS England Cheshire and Merseyside Sub-Regional Team Quality Surveillance Group (QSG) for review and action.

Note: Any *alleged* safeguarding allegations against a worker must be reported to the relevant Designated Nurse and NHS WIRRAL Clinical Commissioning Group Director of Quality and Patient Safety in addition to other regulatory bodies, including professional bodies (see below for contact details).

Any serious safeguarding incident involving a child or adult at risk requires notification to the NHS WIRRAL Clinical Commissioning Group Designated Nurse Safeguarding Children or the Designated Nurse Safeguarding Adults (see below for contact details).

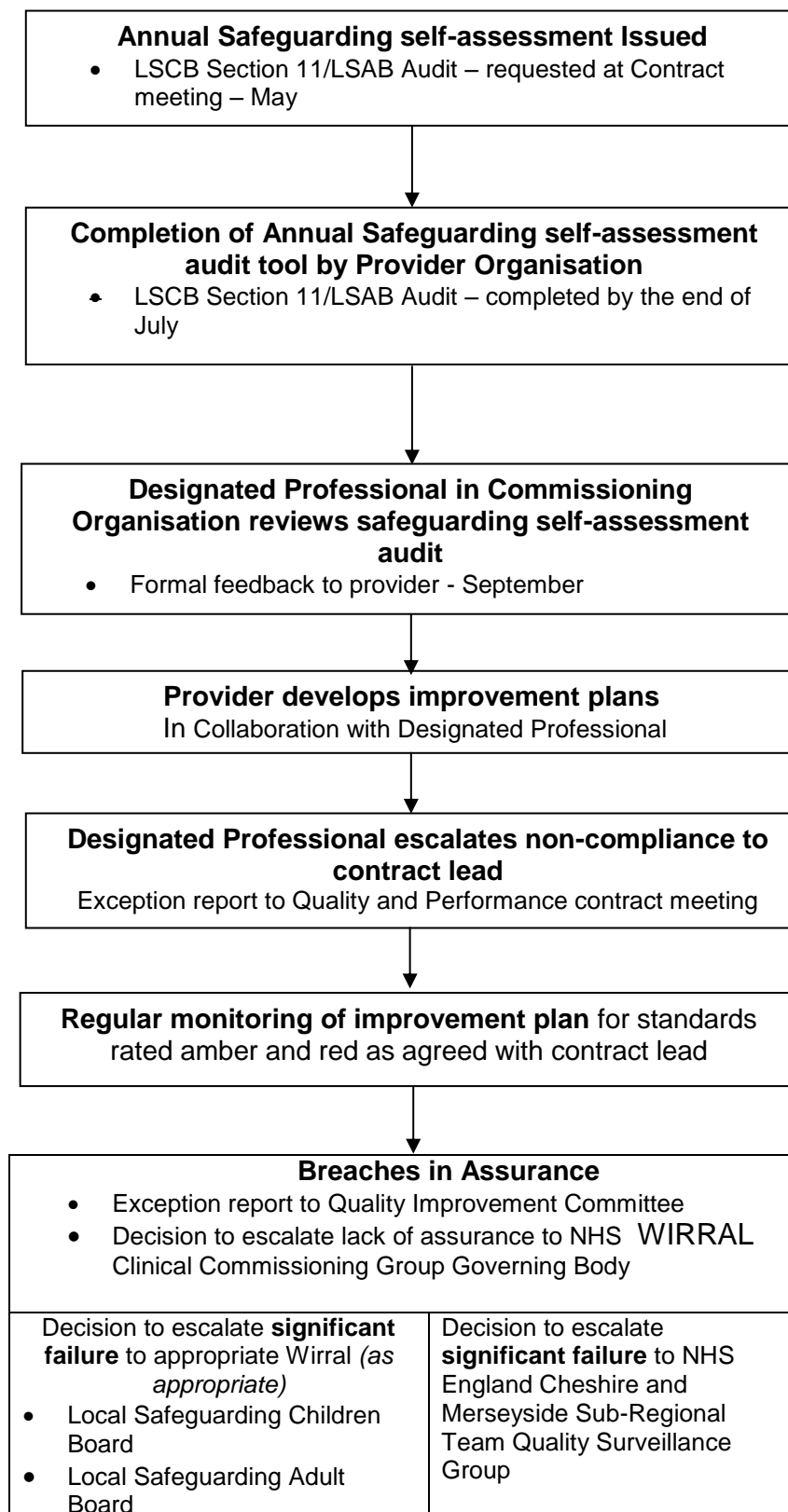
Any investigation using a recognised Root Cause Analysis tool (RCA) that identifies safeguarding concerns against a child or adult at risk must be notified to the Designated Nurse Safeguarding Children or the Designated Nurse Safeguarding Adults (see below for contact details)

The effectiveness of these standards will be monitored via NHS WIRRAL Clinical Commissioning Group Quality forums.

Contact Details

Executive Lead Safeguarding	Lorna Quigley 0151 651 0011 (Ext 1035)
Designated Nurse Safeguarding Children	Debbie Hammersley 0151 651 0011 (Ext 1621)
Designated Nurse Safeguarding Adults	Val Tarbath 0151 651 0011 (Ext 1604)

Assurance Process Flowchart



Reference Documents

In developing this standards document account has been taken of the following statutory and non-statutory guidance, best practice guidance and the policies and procedures of the Local Safeguarding Children and Adults Boards.

Statutory Guidance

Department for Constitutional Affairs (2007) *Mental Capacity Act 2005 Code of Practice Issued by the Lord Chancellor on 23 April 2007 in accordance with sections 42 and 43 of the Act* London: <https://www.gov.uk/government/publications/mental-capacity-act-code-of-practice>

Department of Education and Department of Health (2015) *Promoting the health and well-being of looked-after children Statutory guidance for local authorities, clinical commissioning groups and NHS England*
<https://www.gov.uk/government/publications/promoting-the-health-and-wellbeing-of-looked-after-children--2>

Department of Health (2014) *Care and Support Statutory Guidance Issued under the Care Act 2014* <https://www.gov.uk/government/publications/care-act-2014-statutory-guidance-for-implementation>

HM Government (2015) *Working together to safeguard children - A guide to inter-agency working to safeguard and promote the welfare of children*
<https://www.gov.uk/government/publications/working-together-to-safeguard-children--2>

HM Government (2014) *The Right to Choose: Multi-agency statutory guidance for dealing with forced marriage*
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/322310/HMG_Statutory_Guidance_publication_180614_Final.pdf

HM Government (2011) *Safeguarding children who may have been trafficked*, DCSF publications
<https://www.education.gov.uk/publications/standard/publicationDetail/Page1/DFE-00084-2011>

HM Government (2008) *Safeguarding Children in whom illness is fabricated or induced*, DCSF publications
<https://www.education.gov.uk/publications/standard/publicationDetail/Page1/DCSF-00277-2008>

New tool helps NHS staff to identify trafficking victims
<https://www.england.nhs.uk/2015/10/trafficking-tool/>

Non-statutory guidance

Department of Health (2014) *Health Working Group Report on Child Sexual Exploitation*
<https://www.gov.uk/government/publications/health-working-group-report-on-child-sexual-exploitation>

Department of Health (2014) *The NHS Outcomes Framework 2015/16*
<https://www.gov.uk/government/publications/nhs-outcomes-framework-2015-to-2016#history>

Department of Health (June 2012) *The Functions of Clinical Commissioning Groups*
(updated to reflect the final Health and Social Care Act 2012)

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/152346/dh_134569.pdf

Department of Health (May, 2011) *Statement of Government Policy on Adult Safeguarding*
http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_126748

Department of Health (March, 2011) *Adult Safeguarding: The Role of Health Services*
http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_124882

HM Government (2015) *What to do if you're worried a child is being abused*, DFE publications
<https://www.gov.uk/government/publications/what-to-do-if-youre-worried-a-child-is-being-abused--2>

HM Government (2015) *Information sharing Advice for practitioners providing safeguarding services to children, young people, parents and carers* DFE Publications
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/419628/Information_sharing_advice_safeguarding_practitioners.pdf

Royal College Paediatrics and Child Health et al (2015) *Looked after children Knowledge, skills and competence of health care staff INTERCOLLEGIATE ROLE FRAMEWORK*
http://www.rcpch.ac.uk/system/files/protected/page/Looked%20After%20Children%202015_0.pdf

Royal College Paediatrics and Child Health et al (2014) *Safeguarding children and young people: roles and competences for health care staff INTERCOLLEGIATE DOCUMENT*
[http://www.rcpch.ac.uk/sites/default/files/page/Safeguarding%20Children%20-%20Roles%20and%20Competences%20for%20Healthcare%20Staff%20%2002%200%20%20%20\(3\)_0.pdf](http://www.rcpch.ac.uk/sites/default/files/page/Safeguarding%20Children%20-%20Roles%20and%20Competences%20for%20Healthcare%20Staff%20%2002%200%20%20%20(3)_0.pdf)

Best practice guidance

Department of Health (2014) *Health Visiting and School Nursing Programmes: supporting implementation of the new service model No.5: Domestic Violence and Abuse – Professional Guidance*
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/211018/9576-TSO-Health_Visiting_Domestic_Violence_A3_Posters_WEB.pdf

Department of Health (2010) *Clinical Governance and adult safeguarding: an integrated approach*, Department of Health
http://webarchive.nationalarchives.gov.uk/20130107105354/http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_112361

Department of Health Mental Capacity Act Best Practice Tool
<https://www.gov.uk/government/collections/mental-capacity-act-making-decisions>

Early Intervention Foundation (2014). *Early Intervention in Domestic Violence And Abuse*
<http://www.eif.org.uk/publication/early-intervention-in-domestic-violence-and-abuse/>

HM Government (2014) *Multi-Agency Practice Guidelines: Female Genital Mutilation*
<https://www.gov.uk/government/publications/female-genital-mutilation-guidelines>

HM Government (2014) Multi-agency practice guidelines: Handling cases of Forced Marriage

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/322307/HMG_MULTI_AGENCY_PRACTICE_GUIDELINES_v1_180614_FINAL.pdf

National Institute for Health and Clinical Excellence (2009) When to suspect child maltreatment, NICE clinical guideline 89 <http://www.nice.org.uk/CG89>

NICE Guidelines [PH50] (2014). Domestic violence and abuse: how health services, social care and the organisations they work with can respond effectively

<http://www.nice.org.uk/guidance/ph50>

Wirral Safeguarding Children Board: Policies, procedures and practice guidance accessible at: <https://www.wirralsafeguarding.co.uk>

Wirral Safeguarding Adults Board: Policies, procedures and practice guidance accessible at: <https://www.wirralsafeguarding.co.uk>

Care Quality Commission (2014) Regulation 5: Fit and proper persons: directors and Regulation 20: Duty of candour Guidance for NHS bodies November 2014

http://www.cqc.org.uk/sites/default/files/20141120_doc_fppf_final_nhs_provider_guidance_v1-0.pdf

Disclosure and Barring Service: The primary role of the Disclosure and Barring Service (DBS) is to help employers make safer recruitment decisions and prevent unsuitable people from working with vulnerable groups including children.

<http://www.homeoffice.gov.uk/agencies-public-bodies/dbs>

Professional Bodies

General Medical Council (GMC) http://www.gmc-uk.org/guidance/ethical_guidance/13257.asp

<http://www.gmc-uk.org/guidance/26846.asp>

Nursing and Midwifery Council (NMC) Clinical Governance and adult safeguarding

<http://www.nmc.org.uk/standards/safeguarding/introduction-to-safeguarding-for-adults/>

Royal College of Nursing

http://www2.rcn.org.uk/development/practice/safeguarding/children_and_young_people

<https://www.rcn.org.uk/clinical-topics/safeguarding>

Appendix 1 Safeguarding Children Standards Self-Assessment Audit Tool

The LSCB Audit Tool to Monitor Safeguarding Children Standards for providers of services to children and young people

Section 1 - 8 standards are taken from the Wirral Safeguarding Children Board Section 11 audit tool.

Section 9 incorporates the additional health standards that are expected to be in place in those organisations providing health services to children and young people.

How to access the on-line audit tool




A nominated lead will be responsible from the provider service to oversee the completion of the tool and any improvement plans: They will receive an email from the LSCB with log in details and explanation of how to access and complete the audit via virtual college

<https://wirralscb.vc-enable.co.uk/Login/Login?returnUrl=%2F>

Scoring the self-assessment

Agencies are asked to enter a score to indicate where they are up to in implementing each Standard Indicator. The scores are from 0 – 2 and each indicator has evidence / information that would be expected in relation to the score.

RAG rating key

Green	Grade 2		Fully compliant (remains subject to continuous quality improvement) 2= fully met
Amber	Grade 1		Improvement plans in place to ensure full compliance and progress is being made within agreed timescales 1 = partially/mostly
Red	Grade 0		Non-compliance against standards and actions have not been completed within agreed timescales 0 = no evidence/ not met

This tool will provide commissioners with assurances that safeguarding systems are in place. Full completion of the tool and evidence is required and should accompany submission of the audit tool.

An improvement plan should be submitted for all standards that are RAG rated amber and red. The improvement plan will be regularly reported on by the providers and fed back to the commissioner.

It will be the responsibility of the Designated Nurse to review the information and liaise accordingly with the Clinical Commissioning Group contracts lead

Appendix 2 - Safeguarding Adults Standards Self-Assessment Audit Tool

The Care Act 2014 Section 14 places a duty on the LSAB to establish how it will hold partners to account and gain assurance of the effectiveness of safeguarding arrangements;

The LSAB Audit Tool to Monitor Safeguarding Adult Standards for providers of services to Adults is the mechanism chosen by Wirral LSAB

How to access the on-line audit tool




A nominated lead will be responsible from the provider service to oversee the completion of the tool and any improvement plans: They will receive an email from the LSAB with log in details and explanation of how to access and complete the audit via virtual college

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