



North Manchester
Clinical Commissioning Group



Central Manchester
Clinical Commissioning Group



South Manchester
Clinical Commissioning Group

Manchester CCGs

Safeguarding Arrangements



September 2012

SAFEGUARDING CHILDREN: RESPONSIBILITIES AND GOVERNANCE ARRANGEMENTS

Introduction

This paper sets out the arrangements that have been agreed across the 3 Manchester CCGs in order to ensure duties and responsibilities to safeguard children and adults at risk are fully compliant, safe and effective. There is a citywide safeguarding strategy that demonstrates this commitment further.

The paper clarifies the accountability and governance arrangements, roles and responsibilities, access to designated specialists, training plans, policies and procedures and performance monitoring arrangements.

Context

Safeguarding is central to the quality of care and patient safety. The NHS Outcomes Framework (Dept. of Health, 2010), emphasises its importance in the following domains:

- Domain 4: Ensuring people have a positive experience of care.
- Domain 5: Treating and caring for people in a safe environment and protecting them from avoidable harm.

The Care Quality Commission's *Essential Standards for Quality and Safety* (2010) sets specific outcomes for safeguarding and safety as a requirement for registration for all providers of NHS care. Commissioners have responsibilities to address failures of care in addition to the responsibilities of the CQC. Where the CQC take enforcement action, commissioners have a key role in managing the impact this has on the local health economy. .

Definitions

Safeguarding and promoting the welfare of children is defined as:

- Protecting children from maltreatment;
- Preventing impairment of children's health or development;
- Ensuring that children are growing up in circumstances consistent with the provision of safe and effective care; and
- Undertaking that role so as to enable those children to have optimum life chances and to enter adulthood successfully.

Safeguarding adults involves a range of additional measures taken to protect patients in the most vulnerable circumstances, patients that are currently defined within *No Secrets* (DH 2000) as 'vulnerable adults'. This may be due to illness, impaired mental capacity, physical or learning disability or frailty brought about by age or other circumstance.

Safeguarding adults includes:

- Prevention of harm and abuse through the provision of high quality care;
- Effective responses to allegations of harm and abuse in line with local guidance;
- Using learning to improve services to patients.

Statutory Duties, Legislation and Guidance – Safeguarding Children

Section 11 of the Children Act 2004 places a duty on key persons and bodies to make arrangements to ensure that in discharging their functions, they have regard to the need to safeguard and promote the welfare of children. Section 11 identifies a range of agencies to which this duty applies, including NHS bodies.

Section 11 duty means that NHS bodies must make arrangements to ensure two things:

- that their functions are discharged having regard to the need to safeguard and promote the welfare of children;
- that the services they contract out to others are provided having regard to that need.

Working Together to Safeguard Children, statutory guidance 2012, describes what organisations must have in place:

- A clear line of accountability and governance within and across organisations for the commissioning and provision of services designed to safeguard and promote the welfare of children;
- A board-level lead to take senior leadership responsibility for the organisations safeguarding arrangements;
- A culture of listening to and engaging in dialogue with children and taking account of their wishes and feelings both in individual decisions and the establishment or development and improvement of services;
- Arrangements to share relevant information;
- Appropriate supervision and support for staff, including undertaking safeguarding training;
- A designated doctor and nurse for safeguarding children and for looked after children (and a designated doctor for unexpected death's in childhood);
- Safe recruitment procedures in place;
- Effective inter-agency working to safeguard and promote the welfare of children.

Legislation, Regulations and Guidance - Safeguarding Adults at risk

People have fundamental rights contained within the Human Rights Act 1998. Commissioners as public bodies have statutory obligations to uphold these rights and protect patients who are unable to do this for themselves. Other legislation particularly relevant to safeguarding adults includes:

- Equality Act 2010
- Mental Capacity Act 2005
- Safeguarding Vulnerable Groups Act 2006
- Mental Health Act 1983.
- NHS Act 2006

The *No Secrets* (DH 2000) sets out the standards for the NHS for multi-agency working to safeguard vulnerable adults. Whilst it is the Local Authority who is the lead agency, other agencies such as health, police and housing all have responsibilities with regard to safeguarding vulnerable adults.

The Department of Health guidance *Safeguarding Adults: The Role of NHS Commissioners* (March 2011) sets the expectation that NHS commissioners must work proactively with all contractors and service providers to ensure safeguarding arrangements are in place that maintain the safety and well being of those adults who are contractually under the care of the NHS.

There are six fundamental actions expected of NHS commissioners for safeguarding adults:

1. Safeguarding adults is a fundamental part of the commissioning strategy.
2. Systems and processes are in place that set safeguarding adults into all parts of the commissioning cycle.
3. Systems and processes are in place that enables assurance to be sought as to the appropriateness of a provider's safeguarding arrangements; and to address failures of care with providers.
4. A strong leadership (strategic and operational) and a safe, competent and capable workforce.
5. To work collaboratively with the Local Safeguarding Adult Board, patients and key partner agencies to create safeguards for patients.
6. To ensure accountability and use learning to bring about improvement

ARRANGEMENTS ACROSS THE 3 CCGS

Accountability

The 3 Accountable Officers remain ultimately accountable for safeguarding in their CCGs.

The CCGs have ensured they are Laming compliant with a clear and unambiguous line of accountability to the Accountable Officers. This has been achieved by the Executive Nurse /Executive Director for safeguarding leading safeguarding on each board and also managing the designated professionals. The designated professionals have direct access to the Accountable Officers.

To strengthen safeguarding further each CCG has a lead GP for safeguarding on its board.

There is one safeguarding team (adults and children) shared across the 3 CCGs in a hosted arrangement; access to expertise has been strengthened and is felt to be sufficient although this will be kept under continuous review.

Governance

The 3 Manchester CCGs must demonstrate that they are meeting their responsibilities to safeguard and promote the welfare of children in accordance with the Children Act (2004). In addition they need to demonstrate they are cooperating and complying with the Manchester Safeguarding Children Board.

The 3 Manchester CCGs must demonstrate that they are meeting the requirements of commissioners as detailed in the DH guidance document 2011 and all other responsibilities contained in guidance and legislation. In addition they need to demonstrate they are cooperating and complying with the Manchester Safeguarding Adult Board.

A citywide Safeguarding Governance Group has been agreed to strengthen current reporting arrangements so as to ensure sufficient time and focus is given to this shared priority.

This group is to be chaired by the Executive Nurse/Lead Director for safeguarding. It will report directly into the 3 CCG Boards.

The safeguarding children and adult boards are linked into this structure with representation via the Executive Nurse supported by the designated professionals.

Reporting to the Safeguarding Governance Group are the various clinical safeguarding groups including the professional advisory sub group (designated and named professionals) and the GP safeguarding children and adult steering groups, and a commissioner/ provider group covering the large providers.

The 3 CCGs have worked together to agree a safeguarding strategy which will be monitored via this governance structure along with other priorities including recommendations from serious case reviews.

Each CCG is ensuring that safeguarding is a thread that is pulled through the entire business - safeguarding is a standing item on their quality groups.

Roles and Responsibilities

The ultimate accountability for safeguarding sits with the Accountable Officers of the CCGs. Any failure to have systems and processes in place to protect children and vulnerable adults in the commissioning process, or by providers of health care that the CCGs commission would result in failure to meet statutory and non-statutory constitutional and governance requirements.

The CCGs must establish and maintain good constitutional and governance arrangements with capacity and capability to deliver safeguarding duties and responsibilities, as well as effectively commission services ensuring that all service users are protected from abuse and neglect.

The NHS National Commissioning Board will monitor compliance with safeguarding as required in the authorisation document (and any superseding guidance). The following section details specific roles and responsibilities.

Accountable Officer Role

- To ensure that the health contribution to safeguarding and promoting the welfare of children and vulnerable adults is discharged effectively across the whole local health economy through the organisation's commissioning arrangements.
- To ensure that the organisation not only commissions specific clinical services but exercises a public health responsibility in ensuring that all services users are safeguarded from abuse or the risk of abuse.
- To ensure that safeguarding is identified as a key priority area in all strategic planning processes.
- To ensure that safeguarding is at the forefront of service planning including collaboration with the Health and Wellbeing Board and Health Watch.
- To ensure that safeguarding is integral to clinical governance and audit arrangements.
- To ensure that all health providers from whom services are commissioned have comprehensive single and multi-agency policies and procedures for safeguarding which are in line with the Local Safeguarding Children and Adult Board procedures, and are easily accessible for staff at all levels.
- To ensure that all contracts for the delivery of health care include clear standards for safeguarding; these standards are monitored thereby providing assurance that service users are effectively safeguarded.
- To ensure that staff directly or indirectly employed by the CCG are aware of their roles and responsibilities for safeguarding and know who to act on concerns in accordance with the Local Children and Adult Safeguarding Boards policies and procedures.
- To ensure the CCG co-operates with the Local Authority in the operation of the Local Safeguarding Children Board (LSCB) and Local Safeguarding Adult Board (LSAB).
- To ensure that all health organisations with whom the CCG has commissioning arrangements have links with their LSCB and LSAB; that there is appropriate representation at an appropriate level of seniority; and that health workers contribute to multi-agency working.
- To ensure that any system and processes that include decision making about an individual patient (e.g. funding panels) takes account of the requirements of the Mental Capacity Act 2005; this includes ensuring that actions and decisions are documented in a way that demonstrates compliance with the Act.

CCG Board Lead with responsibility for safeguarding

The Accountable Officers have devolved specific responsibilities to the Executive Nurse who is the safeguarding board lead for all 3 CCGs; importantly this position is strengthened by the existence of a GP safeguarding lead on each of the 3 CCG boards. The role and responsibilities include:

- Membership of the Manchester Safeguarding Children's Boards (MSCB) and Manchester Safeguarding Adult Board (MSAB). The MSCB and MSAB are the

key mechanism for agreeing how local organisations will effectively co-operate to safeguard and promote the welfare of children and vulnerable adults.

- To ensure the CCGs fulfill statutory safeguarding children duties and safeguarding adult responsibilities incorporating the role of the Mental Capacity Lead for the CCG Board.
- To ensure that safeguarding is and remains a priority in the CCGs.
- To ensure that the CCGs meet the statutory duty to ensure that all health providers from whom it commissions services have robust single and multi agency policies and procedures in place to safeguard and promote the welfare of children and protect vulnerable adults from abuse or the risk of abuse.
- To ensure health providers are linked to safeguarding adult and children boards.
- To ensure that service specifications drawn up by CCGs, as commissioning organisations, include clear service standards for safeguarding children and vulnerable adults; these service standards are monitored thereby providing assurance that safeguarding standards are met.
- To ensure sufficient access to the expertise of the designated professionals for safeguarding children and adults at risk, Looked After Children, and a paediatrician for unexpected deaths in childhood.
- To provide executive oversight and monitoring of statutory processes including quality assurance and executive sign off for Serious Case Reviews, Serious Untoward Incidents in safeguarding.
- Implementing the safeguarding objectives at CCG Level set out by the CNO of the National Commissioning Board.
- To ensure patient, public and partnership engagement in safeguarding matters
- To ensure that the CCG has management and accountability structures that deliver safe and effective services in accordance with statutory, national and local guidance for safeguarding and children looked after.
- To ensure that service plans/specifications/contracts/invitations to tender etc. include reference to the standards expected for safeguarding children and vulnerable adults.
- To ensure that safe recruitment practices are adhered to in line with national and local guidance and that safeguarding responsibilities are reflected in all job descriptions.

The Executive Nurse's portfolio in addition to the above includes:

- Managerial responsibility for the Designated Professionals.
- Chairing a citywide Safeguarding Governance Group to ensure agreed priorities are met and systems are safe and effective and risks identified and managed.
- Ensuring that Safeguarding is a standing agenda item on joint boards/forums.

Designated professionals

Designated professionals are highly trained clinicians within the field of safeguarding. These are statutory post holders. The designated doctor and nurse take a strategic, professional lead on all aspects of the health service contribution to

safeguarding across the CCG areas, which includes all providers. They are a vital source of professional advice on safeguarding matters to: the CCGs, health professionals particularly named safeguarding health professionals in provider settings, local authority departments and the safeguarding boards.

The Consultant/Designated Nurse in Manchester manages an integrated safeguarding team. The roles of the designated professionals include:

- Supporting the CCGs to fulfil statutory safeguarding duties effectively, efficiently and economically in relation to safeguarding children, Looked After Children and adults at risk.
- Specialist clinical input to support the CCGs in the management of allegations made against staff.
- Managing the wider risks that the CCGs face relating to adult and children's safeguarding, including MAPPA and MARAC.
- Leading and co-ordinating Serious Case Reviews/Management Reviews/Domestic Homicide Reviews following the death or serious incident concerning children and adults.
- Clinical expertise on Serious Case Review panels and ensuring due statutory functions are adhered to and discharged by NHS providers.
- Ensuring good clinical governance, patient safety frameworks and methods to capture and act upon patient experience and feedback are in place, including ensuring their provider organisations are reporting incidents appropriately and implementing the learning from analysis of incident data.
- Producing the statutorily required commissioning overview reports following safeguarding deaths and serious incidents.
- Providing expert safeguarding advice and support to inform commissioning and the development of services.
- Independent clinical challenge to: Local Government, Criminal Justice agencies and NHS providers and commissioners regarding safeguarding; and providing the NHS perspective for adult and children's safeguarding.
- Play an important role in promoting, influencing and developing relevant training, on both a single and inter-agency basis, to ensure the training needs of health staff are addressed.
- Co-ordination of the NHS contribution to joint inspections of services
 - CQC
 - Ofsted
 - Local Council inspections of care providers
 - CCG inspections of care providers
- Specialist clinical advisors to Local Councils, Greater Manchester Police, Safeguarding Boards for Adults, Safeguarding Boards for Children, NHS providers and a range of wider partners.

CCG Individual Staff Members

- To be alert to the potential indicators of abuse or neglect for children and adults and know how to act on those concerns in line with local guidance.
- To undertake training in accordance with their roles and responsibilities as outlined by the training frameworks of the LSCB and LSAB so that they maintain

their skills and are familiar with procedures aimed at safeguarding children and adults at risk.

- Understand the principles of confidentiality and information sharing in line with local and government guidance.
- All staff contribute, when requested to do so, to the multi-agency meetings established to safeguard children and adults at risk.

GP Member practices

- GP member practices will take account of the safeguarding standards. Compliance with the standards will be subject to audit and scrutiny (this will be supported by the designated professionals and the Commission Support Unit).

Manchester Safeguarding Children and Adult Boards

The CCGs will be represented on both boards by the Executive Director of Nursing as safeguarding board lead for the 3 CCGs. The designated professionals will provide the expertise and advice to the boards and the Executive Nurse.

Access to safeguarding specialists

The 3 CCGs are sharing a Safeguarding Team of specialists. The CCGs have strengthened this team with additional resource for adult safeguarding.

This means that there is now an integrated team covering safeguarding adults and children. The team is lead by a Consultant/Designated Nurse in safeguarding who is managed by the Executive Nurse/Safeguarding lead for the 3 CCGs.

All statutory posts are in place (including those within our providers).

Training

The 3 CCGs have adopted the GM safeguarding collaborative training framework which outlines roles and responsibilities.

Our plans to deliver are as follows:

The 3 CCGs at a strategic/organisational level:

- Strategic leader safeguarding training delivered by Edgehill University Dec 2012.
- 3 CCGs have nominated to attend: Accountable Officers, Clinical Commissioning Officers, Executive Nurse/safeguarding lead, board level lead GPs for safeguarding.
- Safeguarding Workshop – Delivered by the designated safeguarding professionals to CCG Board members and CCG staff - outlining roles, responsibilities and accountabilities of a commissioning CCG. A workshop will be held annually, with regular briefings in between.
- (November 2012 South CCG, December 2012 Central CCG, January 2013 North CCG).

Plans to train staff in safeguarding recognition, response and referral are already well established and are in line with national guidance as follows: (the same standards apply to our providers and we monitor their training performance).

Safeguarding Children Training:

(Taken from Intercollegiate document Royal Colleges 2010, and ChiMat 2012)

Non Clinical Staff - Level 1

- All non-clinical staff working in healthcare settings who have infrequent contact with children, young people and/or parents/carers who may become aware of possible abuse or neglect.

This will be achieved by e learning and applies to all CCG staff

Clinical staff – Level 2

- All clinical staff who have regular contact or have a period of intense but irregular contact with children, young people and/or parents/carers.

This will be achieved by workshops/seminars/sessions in GP practices and is already well established.

Clinical staff - Level 3

- All clinical staff working with children, young people and/or their parents/carers and who could potentially contribute to assessing, planning, intervening and reviewing/evaluating the needs of a child or young person and parenting capacity where there are safeguarding/child protection concerns.

This will be achieved via multiagency training and specific health service training.

Safeguarding Team

Named professionals - Level 4

Specialist safeguarding roles - named professionals

Designated Professionals - Level 5

Specialist safeguarding roles, designated professionals and professional advisors

Experts – Level 6

Experts in this context could be a clinical expert (clinician with specialist skills and knowledge) and/or a court appointed expert.

The levels described above apply to members of the safeguarding team who are specialist clinicians in safeguarding. The levels are achieved via conferences/multiagency training/specialist courses and modules and attendance at workshops and clinical networks.

Safeguarding Adults Training

All staff working within health services are expected to have Level 1 Safeguarding Vulnerable Adult Training which ensures they can recognise signs and symptoms of abuse and report abuse in line with local policy.

This is achieved via e learning as basic awareness.

Additional further training, including Achieving Best Evidence training, Mental Capacity Act training and training relating to the deprivation of liberty safeguards is dependent upon an individual's role and functions and should be included in an individual's appraisal and objectives. Advanced level training is also available.

Policies and procedures

The CCGs have been working with the GM safeguarding clinical collaborative to harmonise policies and procedures that existed across the PCTs and these will be adopted by the Manchester CCGs.

The CCGs have adopted the procedures agreed with the safeguarding boards which include the Mental Capacity Act policy agreed in collaboration with the local authority.

Practice guidance will be made available to staff through training and web links covering what to do if you are concerned about a child or adult, information sharing, managing allegations, supervision and contact details.

Staff will be made aware of the procedures through training, briefings and web links.

Assurance/Performance monitoring

The NHSNW safeguarding policy and audit tool is attached to all contracts and providers complete this annually, progress on actions is monitored throughout the year.

Each of our large providers have agreed to a safeguarding standard set by the children and adult safeguarding board and they cooperate fully with these audits which are scrutinised by the designated professionals.

For children's safeguarding we have been working to a 3 year PAF with our providers and have several safeguarding CQUINS aimed at pushing up performance around lessons from serious case reviews and other priorities – with a particular emphasis on impact and quality.

We also have several safeguarding adult CQUINS.

We are currently working with GM colleagues on establishing safeguarding KPIs

Safeguarding is a standing item on the quality groups with providers.

NHS National Commissioning Board

The revised *Working Together to Safeguard Children* guidance (June 2012, currently out for consultation) describes the role as the National Commissioning Board (NCB) as being responsible for ensuring the health commissioning system as a whole is working effectively to safeguard and promote the welfare of children. As such the 3 Manchester CCGs expect to be reporting to the local area team of the NCB on local arrangements for discharging its duties regarding safeguarding.

Conclusion

The 3 Manchester CCGs are committed to safeguarding children and adults at risk. This paper sets out how the CCGs plan to discharge these duties. These arrangements will be reviewed on publication of the NHS Accountability Framework for safeguarding and at regular intervals.