

**This short briefing is a summary of the key themes and lessons to be learned following a Safeguarding Adults Review (SAR) undertaken by Surrey Safeguarding Adults Board (SSAB). This SAR commissioned by the SSAB and relates to a man referred to as \*Bernard.**

### Bernard's Story

Bernard was a resident at a care home in Surrey. Between December 2015 – June 2016, Bernard's deteriorating mental ill health resulted in him demonstrating increasingly serious verbal and physical aggression and violence towards other residents.



### Background to the Review

As the incident which led to this SAR involved two people, another SAR was commissioned previously and undertaken in relation to another resident who was referred to as 'Person 1' this was published in November 2020. Information gathered as part of that review had already established information that is relevant for this SAR for Bernard (Person 2).

Due to the considerable amount of information collected during the SAR for "Person 1", that information has been reviewed and incorporated into this review, allowing for a more focused method for this review.

As this SAR was being carried out under Condition 2, of section 44 of the Care Act 2014 and Bernard was not able to represent himself in this review, and there was nobody available to do so, the SSAB was required under section 68 of the Care Act to arrange for an independent advocate to represent Bernard during this SAR process.



### Key Themes Highlighted from the Review

- **Meeting Care Act Duties** – The Local authority is at risk of not fulfilling its duties under the Care Act 2014, to people who have care and support needs.

Partner agencies are at risk of not challenging Surrey County Council about not meeting its Care Act duties toward a person or, when they do, not ensuring that the challenge is effective.

- **Assessing Risk** - There is a risk that agencies in Surrey are not effective in assessing and managing risk, where a person with care and support needs poses a risk to others, and that they may not have effective assurance processes in place to identify when their risk assessment work has been substandard.
- **Information Sharing, Professional Curiosity and Critical Thinking** – Agencies in Surrey that have contact with adults with care and support needs may not have ensured that their staff have the critical thinking skills needed and / or are not demonstrating sufficient professional curiosity in their work with those people.
- **Mental Capacity Act and Best Interest Decision Making** - There is a risk that agencies in Surrey that have contact with people with care and support needs may fail to apply the

Mental Capacity Act in their own practice and / or not challenge other agencies when they fail to do so.

- **Ensuring the Voice of the Person is Heard** - People in Surrey with care and support needs, who may have difficulty representing themselves and have nobody available to do so on their behalf, might not be getting the support that they need, and may be legally entitled to, have someone support and represent them.
- **Care Home Record Keeping** - If a care home keeps its records outside of the UK, this can impede scrutiny of those records.
- **Incidents Dealt with in Isolation** - There is a risk that agencies in Surrey working with adults with care and support needs will deal with individual incidents in that person's life, failing to make connections that they should do between incidents, so they lose the narrative or miss patterns.
- **Bias in Responding to Assault of an Older Person** - There is a risk that adults with care and support needs generally, and older adults in care homes in particular, are disadvantaged due to 'conscious' or 'unconscious bias', in matters such as having the support they need to promote their wellbeing, to be safe or to secure justice and redress.



## Recommendations

**Recommendation 1:** Surrey County Council (SCC) should provide assurance to the SAB about the steps it has taken to ensure it is meeting its duties under s9 and s42 Care Act 2014, including where s11(2) Care Act applies, how it is monitoring the effectiveness of this, and how it ensures that when a partner agency raises a challenge to a decision it has made about its Care Act duties it undertakes a proper review of that decision.

**Recommendation 2:** Surrey SAB should seek assurance from its member agencies that they have taken reasonable steps to ensure that their staff, volunteers, and those of services they commission, have an awareness of the duties local authorities owe to adults with care and support needs to a degree that is sufficient for them to be able to make an effective challenge if they believe a local authority has made an incorrect decision about those duties.

**Recommendation 3:** Surrey County Council and Surrey and Borders Partnership (SABP) should provide assurance to the Surrey SAB about their agencies' processes for risk assessment and management, for a person in similar circumstances to Bernard, including their arrangements for auditing or quality assuring such assessments to satisfy themselves these are being carried out as they should be.

**Recommendation 4:** Surrey SAB should seek assurance from its member agencies about how they ensure their staff or volunteers, and those of services they commission, are effective in applying critical thinking skills and demonstrating professional curiosity when working with adults with care and support needs.

**Recommendation 5:** Surrey SAB should seek assurance from its member agencies about how they ensure their staff or volunteers, and those of services they commission, are applying the Mental Capacity Act 2005 when working with a person who may lack mental capacity.

**Recommendation 6:** Surrey SAB should seek assurance from its member agencies about how they ensure adults with care and support needs who are unable to represent themselves and have nobody available to represent them get the support they need so they have representation.

**Recommendation 7:** Surrey SAB should seek assurance from commissioners and regulators of care homes in Surrey, that all reasonable steps have been taken to ensure that those care homes do not store their records outside of the UK.

**Recommendation 8:** Surrey SAB should consider if there is a need to escalate this issue nationally.

**Recommendation 9:** Surrey SAB should seek assurance from its member agencies about how they ensure that when working with adults with care and support needs, they do more than deal with individual incidents, and they are effective in understanding the narrative of a person's life and / or identify patterns of issues and links between those individual incidents.

**Recommendation 10:** Surrey SAB should seek assurance from its member agencies about how they ensure that when working with adults with care and support needs that their staff or volunteers, and those of services they commission, are not being consciously or unconsciously biased, in ways that reduce the chance for those people to secure the support they need to promote their wellbeing, to be safe or to secure justice and redress.

## \*Pseudonym

This summary is one of the ways in which the Safeguarding Adults Board aims to share learning as widely as possible to support practice across Surrey. The briefing aims to pull together key messages from the review and the lessons learnt to enable you and your organisation to reflect and challenge the ways in which we work to safeguard adults from abuse and neglect.

Thank you for taking the time to read this learning summary. If you would like to provide any feedback or have any questions, please email:  
[surreysafeguarding.adultsboard@surreycc.gov.uk](mailto:surreysafeguarding.adultsboard@surreycc.gov.uk)