

## Response to Request for Information

Reference      FOI 000104  
Date            03 May 2016

### ***Adult Safeguarding***

#### **Request:**

I am writing to find out if you could provide me with some information under the Freedom of Information Act 2000. I am seeking the following information within your borough:

#### Adult Safeguarding criteria:

1. Section 42 (1) of the Care Act 2015 defines the circumstances under which a local authority must undertake an adult safeguarding enquiry.
  - a) Has any guidance been issued by your local authority as to how to interpret eligibility under s42(1) for adult safeguarding intervention?
  - b) If such guidance has been issued, can you please supply a copy?
  - c) If adult safeguarding intervention is refused because the abuse victim is not eligible under section 42(1) has your local authority issued guidance on what response should alternatively be provided to such victims?
  - d) If such guidance has been issued, can you please supply a copy?

The Wolverhampton Safeguarding Adult Board has adopted the West Midlands Safeguarding Policy & Procedures, these are available on the Wolverhampton joint Safeguarding Board's website and the Council's website. Workshops have been delivered to partner agencies about Section 42 Enquiries.

[http://www.wolverhamptonsafeguarding.org.uk/images/adult-documents/West\\_Midlands\\_Adult\\_Safeguarding\\_Policy.pdf](http://www.wolverhamptonsafeguarding.org.uk/images/adult-documents/West_Midlands_Adult_Safeguarding_Policy.pdf)

Further practice guidance has been developed. This is due to be finalised in May 2016, and will be launched at workshops. In turn, the guidance will be put on the safeguarding website in June 2016. The guidance was not issued previously due to the delay in the publication of the revised Care Act statutory guidance.

#### Inherent Jurisdiction of the High Court:

1. In the 12 months ending 31<sup>st</sup> December 2015 on how many occasions has your legal department applied to the High Court in relation to inherent jurisdiction in an adult safeguarding situation?

2. If applications to the High Court have been made in relation to inherent jurisdiction, how many of these related to an inability to gain access to a person suspected of being abused?

No applications have been made and therefore the response is nil.

Commissioning practices:

1. When commissioning care services does your local authority have a policy to take account of the results of CQC inspections?
  - a) by not commissioning places in care homes with inadequate ratings?
  - b) by not commissioning domiciliary care from services with inadequate ratings?
2. With regard to service users in places commissioned by the local authority where those services have inadequate ratings by CQC?
  - a) Does your local authority have any policy to provide extra monitoring or support or intervention for them?
  - b) If you have such a policy, can you please supply a copy?
  - c) If you do not have such a policy, can you please advise as to what actions you take to ensure the safety and wellbeing of the service users affected?

City of Wolverhampton Council does not routinely commission packages of care in care homes; each placement is on an individual basis and provided to a particular service user either making their own decision or making a decision assisted by their family. City of Wolverhampton Council staff may advise people of their options but their choices are their own.

Other eventualities are covered by the policy on suspension of new business (attached) which provides for the suspension of new business with services that are rated as 'inadequate' by the regulator.