

# Croydon Council

For General Release

<b>REPORT TO:</b>	<b>ADULT SOCIAL SERVICES REVIEW PANEL</b> <b>30 January 2013</b>
<b>AGENDA ITEM NO:</b>	<b>6</b>
<b>SUBJECT:</b>	<b>SELF NEGLECT, DIGNITY AND CHOICE</b>
<b>LEAD OFFICER:</b>	<b>Hannah Miller, Executive Director for Adult Services, Health &amp; Housing</b>
<b>CABINET MEMBER:</b>	<b>COUNCILLOR MARGARET MEAD, ADULT SERVICES AND HEALTH</b>
<b>WARDS:</b>	<b>All</b>
<b>CORPORATE PRIORITY/POLICY CONTEXT:</b> The self neglect, dignity and choice documents sets out procedural and practice guidance for intervening in cases of self neglect which may include hoarding. It falls under the council objectives with regard to enabling local people to exercise greater choice and control whilst providing proportionate social care assessment and person-centred planning and making appropriate safeguarding arrangements.	
<b>FINANCIAL IMPACT</b> There are no financial considerations attached to this protocol.	
<b>FORWARD PLAN KEY DECISION REFERENCE NO.:</b> N/A	

## 1. RECOMMENDATIONS

- 1.1 That members note this procedure and practice guidance.

## 2. EXECUTIVE SUMMARY

The self neglect, dignity and choice document sets out guidance and procedure for responding to cases of self neglect. This can be a difficult area for intervention as issues of capacity and life style choice are often involved which includes individual judgements about what is an acceptable way of living and degree of risks to self. Even in cases where it appears that the risk to the individual may be significant, there may be no clear legal grounds to intervene. Many decisions will hinge on whether the person concerned has the capacity to make an informed choice about how they are living and the risks to which they are exposed. Assessing capacity in an individual who

is resistant to or suspicious of outside intervention is not an easy task. However the risks to individuals can be high with some cases of self neglect leading to the person's death and local authorities wondering should more should have been done to intervene.

### **3. DETAIL**

#### Multi agency perspectives:

The document is designed to be both a multi-agency guide to issues of self neglect as well as offering procedural guidance for case workers in personal support. It is recognised that it is often community and voluntary agencies who become concerned about people who self neglect and that sometimes it is these agencies that are best placed to form non threatening relationships with people over time in an effort to persuade them to accept help.

#### Guidance:

The documents sets out indicators of self neglect and the role of social services in assessing needs and providing support under the NHS and Community Care Act. The document stresses the importance of good capacity assessment. Often people may have an initial presentation of making a capacitated choice when refusing help but more detailed assessment, if this can be achieved, may indicate that the person's decision making capacity is impaired. This may be particularly true of people developing dementia or with other mental health conditions. It is important to balance people's right to make choices about how they live their life with their protection, especially if they are vulnerable. Robust assessment of the degree of risk and proportionality in intervening is key. The document also sets out the important role of multi-agency partnership working which can help to flesh out a fuller picture and to plan a way forward.

#### Self neglect and safeguarding:

There are various debates about whether or not self neglect should fall under adult safeguarding processes. Currently Pan London safeguarding procedures do not include self neglect as safeguarding activity usually takes place in the context of a person is being harmed by someone else. However the adult safeguarding board has determined that because of the serious consequences to some cases of self neglect by adults at risk, self neglect is properly a function of the board. The protocol sets out that people who are self neglecting may receive input from either the assessment and case management teams or may be referred in some cases to the social work and safeguarding teams.

#### Legal implications:

The document sets out some of the legal grounds for intervention and for data and information sharing. It covers responsibilities under the Mental Capacity Act and other powers to intervene rooted in both social care and public health. The document highlights that there is no one piece of legislation that easily provides a solution in all cases and that restricting anyone's liberty to exercise choice over their lifestyle must be weighed against their human rights and the potential for inappropriate intervention by the state in family life.

#### Self neglect and child protection:

The procedural guidance stresses the need to consider the welfare of any children who may be affected by issues of self neglect by an adult. Under children's legislation there is a much clearer framework for intervention if the child appears to be suffering harm. Adult social services must work closely with children's assessment and child protection teams in such cases.

#### **4. CONSULTATION**

The procedure and guidance has been draw up in consultation with the adult safeguarding board and its partner members.

#### **5. FINANCIAL AND RISK ASSESSMENT CONSIDERATIONS**

There are no specific financial considerations attached to this procedural guidance.

#### **6. COMMENTS OF THE COUNCIL SOLICITOR AND MONITORING OFFICER**

6.1 The Solicitor to the Council comments that the legal issues arising are already mentioned in the report.

(Approved by: J Harris Baker, head of social care and education law and deputy monitoring officer on behalf of the Council Solicitor & Director of Democratic & Legal Services)

#### **7. HUMAN RESOURCES IMPACT**

7.1 There are no human resource considerations that arise from the recommendations of this report for London Borough of Croydon staff.

7.2 (Approved by: Michael Pichamuthu, Strategic HR Business Partner on behalf of Pam Parkes, Director of Workforce, Equality & Community Relations)

**8. EQUALITIES IMPACT** - the procedural guidance relates primarily to adults at risk but also embraces adults who may be making capacitated decision about their lifestyle. The guidance applies equally to all protected groups.

**9. ENVIRONMENTAL IMPACT** – none

**10. CRIME AND DISORDER REDUCTION IMPACT** – none

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**CONTACT OFFICER:** Kay Murray, Head of Professional Standards

**BACKGROUND DOCUMENTS:**