



Cabinet
14 April 2015

**Report from the Strategic Director
Adults**

Wards affected:
ALL

**Report from Brent Safeguarding Adults Board in relation to
proposed governance arrangements**

1.0 Summary

- 1.1 The council is required to establish a Local Safeguarding Adults Board ['LSAB'] together with associated governance arrangements and to appoint a Chair in accordance with the requirements of the Care Act 2014. This paper sets out the requirements for agreement by the Cabinet.

2.0 Recommendations

- 2.1 The Cabinet is asked to:
- 2.2 Adopt the proposed Constitution of the Brent LSAB attached at appendix 1 of the report;
 - 2.3 Delegate the council's new adult safeguarding responsibilities to the Strategic Director Adults;
 - 2.4 Delegate authority to the Strategic Director Adults following consultation with the LSAB, the Chief Executive and Cabinet Member for Adults, Health and Wellbeing to make minor amendments to the LSAB Constitution as and when necessary;
 - 2.5 Enter into a formal agreement between the LSAB Partners to support the functions of the Board and formalise a Pooled fund for the LSAB; and
 - 2.6 Delegate authority to the Strategic Director Adults following consultation with the LSAB Partners, LSAB chair and Chief Finance Officer to negotiate, vary, extend, renew or terminate the Pooled Funding Agreement for the LSAB on behalf of the Council in consultation with the Cabinet member for Adults, Health and Wellbeing.

3.0 Detail

- 3.1** The Council has a new statutory duty set out in s.42 of the Care Act to undertake safeguarding enquiries in relation to adults at risk who are or maybe experiencing abuse or neglect. It is proposed that the Council's new adult safeguarding responsibilities are generally delegated to the Strategic Director Adults.
- 3.2** In addition the Council has a statutory duty set out in s.43 Care Act 2014 to establish a LSAB.
- 3.3** Establishing a statutory Partnership will enable Brent Council to work with its Partner Agencies to build on the success of the existing LSAB so as to meet the new duties set out within the Act. It should be noted that the Care and Support Guidance issued under the Care Act 2014 requires that safeguarding functions are conducted in a manner that takes into account individual circumstance and preferences and that responses to risks or reports of abuse and/or neglect are person led and outcome focused. Brent Safeguarding Adult's Board is built on the foundation of 'Making Safeguarding Personal' and embedding this approach across the partnership remains a key priority.
- 3.4** Although it is not a statutory requirement, the Care and Support Guidance recommends that Councils consider appointing an Independent Chair to the LSAB who is not an employee or a member of an agency that is a member of the Board. The Chair has a crucial role to lead collaboratively, give advice, support and encouragement but also to offer constructive challenge and hold main partners to account and ensure that interfaces with the other strategic functions are effective whilst also acting as a spokesperson for the Board. The Independent Chair can provide additional reassurance that the Board has independence from the Local Authority and other partner agencies. Presently the LSAB is chaired by an Independent Chair and the membership have recommended that they would wish to continue this arrangement.
- 3.5** In accordance with the Statutory Guidance the Chair will be accountable to the Chief Executive of the Local Authority as lead body responsible for establishing the LSAB but should be appointed by the Local Authority in the name of the LSAB having consulted all its statutory partners.
- 3.6** The Care Act 2014 requires the LSAB is made up of members of the Local Authority which established it: a Clinical Commissioning Group, the whole or part of whose area is in the Local Authority's area, the Chief Officer of Police for a Police area, the whole or part of which is in the Local Authority's area and such persons, or persons of such description as may be specified in the regulations. It may also include such other organisations and individuals as the establishing Local Authority, after consultation with LSAB Partners, considers appropriate.

- 3.7** The Care Act establishes safeguarding adults at risk as a corporate responsibility requiring a coordinated response across relevant directorates within the Council and Partner Agencies. The proposed Constitution, attached at appendix 1, is drafted so that the proposed membership is to be as inclusive as possible. Cabinet will note that the Cabinet member for Adults, Health and Wellbeing has membership in an observer capacity; by adopting this approach there is a clear delineation of responsibilities between the Council and the LSAB and no conflict of interest. In addition Cabinet will note that membership will also include the Strategic Director: Adults, Strategic, Director Children and Young People, Operational Director for Housing and Director of Regulatory Services.
- 3.8** The main objective of LSAB is to assure itself that the local safeguarding arrangements and partnerships act to help and protect adults at risk or experience abuse or neglect. The LSAB is a multi-agency strategic Board that will coordinate the strategic development of Adult Safeguarding across Brent and ensure the effectiveness of the work undertaken by the Council and Partner agencies in the area. It will also maintain links with other related partnerships (e.g. Local Safeguarding Children Board, Safeguarding Brent Partnership and the Health and Wellbeing Board) to maximise strong synergies between the work of many of their bodies to ensure impact on outcomes, minimise duplication as well as efficiencies in taking work forward.
- 3.9** The Board will appoint sub groups, detailed at 6.3 of the Constitution, to carry out much of the day to day work of the LSAB. Terms of reference for these groups have been drafted. A Membership handbook and role descriptions for the Chair, Board members and Sub Group Chair and members have been devised as a matter of good practice and governance.
- 3.10** Para 2, schedule 2 Care Act 2014 allows a Partner to make payment towards expenditure incurred by or for the purpose connected with a LSAB established under s43 Care Act. The payments can be made directly or by contributing to a fund out of which payment may be made. Partners, most notably the Police and CCG, have agreed in principle, to contribute towards these costs. It is intended that partners will enter into the proposed Pooled Fund agreement.
- 3.11** The Care Act conveys powers on the LSAB to request the supply of information for the purpose of enabling or assisting the LSAB to exercise its functions. To ensure that this is done in compliance with the legal framework for information governance the LSAB have adopted a joint Information Sharing Agreement, attached at Appendix 2, it is anticipated that any dispute arising from a request made under this power would be addressed through the dispute resolution process set out within the LSAB Constitution.

4.0 Financial Implications

- 4.1 Whilst the LSAB has existed in Brent for a number of years it has not been on a statutory footing and there has not previously been any contributions from partners or an agreement to formalise funding arrangements.
- 4.2 The current approximate cost of the LSAB per annum is £90k. The table below breaks down the funding sources.

Funding	Secured	
Brent Council	Yes	£30k
Brent CCG	Yes	£30k
Police	No	£30k
Total Pooled Fund		£90k

- 4.3 It is proposed that the 3 core partners contribute equally to the pooled budget. This has been agreed by the CCG, but has not yet been confirmed by the Police. If it is not agreed, it is expected that the board will operate on a reduced budget of £60k. This will be managed through funding individual Serious Case Reviews case by case rather than through the pooled fund.
- 4.4 Any underspend incurred in any Financial years shall be managed by the LSAB with the consent of the Partners.
- 4.4 A Pooled Fund agreement will enable the legal pooling of Partners' contributions for expenditure incurred by the LSAB when carrying out its functions. It is a requirement that any Pooled Fund is formalised in writing. The proposed agreement sets out the resource allocation which will include the Independent Chair, staffing costs, cost of an annual conference, publicity and Safeguarding Adults Reviews in accordance with s44 Care Act 2014. Decisions on annual funding will be discussed at board meetings.

5.0 Legal Implications

- 5.1 The Care Act 2014 requires Brent Council to establish a LSAB and provides for accountability of the Independent Chair to the Chief Executive of the Local Authority.
- 5.2 Para 2, schedule 2 Care Act 2014 provides authority to establish and maintain a Pooled Fund to support the work of the Brent LSAB.
- 5.3 If the recommendations set out in this report are agreed by Cabinet, the changes that will need to be made to the constitution, as set out in Annex A of this report, to recognise the LSAB and the adult safeguarding responsibilities of the Strategic Director Adults will be reported to Full Council for approval in due course.

6.0 Diversity Implications

6.1 None

7.0 Staffing/Accommodation Implications (if appropriate)

7.1 None

Background Papers

The Care Act 2014

The Care and Support Statutory Guidance (most notably chapter 14)

Appendixes

1. LSAB Constitution
2. Information Sharing Agreement

Contacts

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Annex 1

Delegated functions to director Part 4

Strategic Director Adults :

Statutory Director of Adult Social Services, health, adult physical disability, learning disability, mental health services, services to older people, emergency duty team, asylum in so far as it is not a housing matter, safeguarding responsibilities, adult social care complaints, and any other function listed in Schedule 1 of the Local Authority Social Services Act 1970 not delegated to the Strategic Director Children and Young People.

In addition it is proposed to recognise the Adults Safeguarding Board within the Council's Constitution by amending the Constitution so as to include the following wording:

Articles Part 2

Local Safeguarding Adults Board

The Care Act 2014 requires each Local Authority to establish a Local Safeguarding Adults Board, to be made up of representatives from the agencies and bodies which have regular contact with adults in need of care and support or responsibilities for services to them in the local area.

(b) The Brent Local Safeguarding Adults Board will be the key statutory mechanism for agreeing how the relevant organisations in the London Borough of Brent will co-operate to safeguard and promote the welfare of adults at risk of or experiencing abuse and neglect in the area, and for ensuring the effectiveness of what the agencies do.

(c) Objectives of the Board: to improve local safeguarding arrangements and ensure partnerships act to help and protect adults at risk of or experiencing neglect and/or abuse.

(i) To co-ordinate what is done by each person or body represented on the Board for the purposes of safeguarding and promoting the welfare of adults at risk in the London Borough of Brent; and

(ii) To ensure the effectiveness of what is done by each such person or body for those purposes.

(d) Terms of Reference of the Board:

- (i) The role, responsibility, authority and accountability with regard to the action each agency and professional group should take to ensure the protection of adults.
- (ii) establish ways of analysing and interrogating data on safeguarding notifications and completed enquiries which increases the SABs understanding of prevalence of abuse and neglect locally that builds up a picture over time;
- (iii) establish how it will hold partners to account and gain assurance of the effectiveness of its arrangements;
- (iv) Develop and implement policies and strategies for protecting adults which should be formulated, not only in collaboration and consultation with all relevant agencies but also take account of the

- views of adults who have needs for care and support, their families, advocates and carer representatives;
- (v) develop preventative strategies that aim to reduce instances of abuse and neglect in its area;
 - (vi) identify types of circumstances giving grounds for concern and when they should be considered as a referral to the local authority as an enquiry, including referral pathways and thresholds for intervention;
 - (vii) formulate guidance about the arrangements for managing adult safeguarding, and dealing with complaints, grievances and professional and administrative malpractice in relation to safeguarding adults;
 - (viii) develop strategies to deal with the impact of issues of race, ethnicity, religion, gender and gender orientation, sexual orientation, age, disadvantage and disability on abuse and neglect;
 - (ix) balance the requirements of confidentiality with the consideration that, to protect adults, it may be necessary to share information on a 'need-to-know basis';
 - (x) identify mechanisms for monitoring and reviewing the implementation and impact of policy and training to meet the training needs of staff across all agencies to work effectively together to safeguard and promote the welfare of adults at risk;
 - (xi) carry out safeguarding adult reviews and advise the local authority and Board Partners on lessons to be learned;
 - (xii) produce a Strategic Plan and an Annual Report;
 - (xiii) evidence how Board members have challenged one another and held other Boards to account and determine arrangements for peer review and self-audit; and
 - (xiv) Review and comment on the impact for safeguarding of individual member agencies' operational strategic decision making, including budgetary considerations.

(e) Membership

The Brent Local Safeguarding Adults Board will be chaired by an Independent Chair. Membership will be drawn from:

- Brent Council
 - Strategic Director Adults
 - Strategic Director of Children and Young People
 - Operational Director of Housing Services
 - Operational Director of Regulatory Services
- Metropolitan Police: Brent
- National Probation Trust
- Community Rehabilitation Company
- Brent Clinical Commissioning Group
- NHS England (London)
- North West London Healthcare NHS Trust
- Central and North West London NHS Foundation Trust
- London Ambulance Service
- Healthwatch
- London Fire Brigade

- Care Quality Commission
- Brent Community Voluntary Services
- Brent User/Carers Groups
- Department for Work and Pensions
- Crown Prosecution Service

Other membership of the LSAB who will act in an advisory/observer role will include:-

- Cabinet Member Adults, Health and Wellbeing
- The Director of Public Health
- Designated Health Professionals
- Principal Social Worker
- Legal Advisor to the Board