

CONSTITUTION

BRENT LOCAL SAFEGUARDING ADULTS BOARD

1 **AIM**

- 1.1 To ensure the effective co-ordination of services to safeguard and promote the welfare of adults in accordance with the Care Act 2014 and Care and Support Statutory Guidance 2014.
- 1.2 The Brent Adult Safeguarding Board [‘BSAB’] aims to achieve its objectives whilst supporting individuals in maintaining control over their lives and in making informed choices without coercion. In achieving this, the following 6 key principles must be followed:-
- Empowerment:
Presumption of person led decisions and informed consent.
 - Prevention:
It is better to take action before harm occurs.
 - Proportionality:
The least intrusive response appropriate to the risk presented
 - Protection:
Support and representation for those in greatest need.
 - Partnership:
Local Solutions through services working with communities
 - Accountability:
Accountability and transparency in delivering safeguarding

2 **OBJECTIVES**

- 2.1 The Board’s objective is to improve local safeguarding arrangements and ensure partnerships act to help and protect adults at risk or experiencing neglect and/or abuse. The BSAB 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 Partner Agencies in the area.
- 2.2 Whilst BSAB has a role in coordinating and ensuring the effectiveness of work being done by local individuals and organisations in relation to safeguarding and promoting the welfare of adults, it is not accountable for their operational work. All organisations in accordance with the Care Act 2014 will be required to have in place a Designated Adult Safeguarding Manager who will be required to provide information to the Board. Each Board Partner has their own existing lines of accountability for safeguarding and promoting the welfare of adults by their services. The Board does not have the power to direct other organisations.

- 2.3 The Board will receive and scrutinise regular quality-assurance reports by individual agencies annually (as a minimal requirement) to identify good practice and highlight any shortcomings within agencies. If shortcomings are identified the Board and the agency in question will agree a remedial action plan. The implementation and resulting impact of the action plan will be reviewed by the Board.
- 2.4 If the Board is not convinced of the adequacy of the planned action to improve practice, the Board Chair, in consultation with the Director of Adult Social Services ['DASS'], will explain these concerns to those individuals and organisations concerned, and seek to provide support and ensure adequate action is taken to improve practice.

3. **FUNCTIONS**

- 3.1 The core duties of the Board are set out in Chapter 14 of the Care Act Statutory Guidance, issued under S78 of the Care Act 2014 which requires the Board to:-
1. Publish a Strategic Plan for each financial year detailing how it will meet its main objective and what Members will do to achieve this;
 2. Publish an Annual Report detailing what the Board has done during the year to achieve its objectives and implement its Strategic Plan and what Members have done to implement the Strategy.
 3. Conduct any Safeguarding Adults Review in accordance with S44 of the Care Act 2014.

3.2 In order to fulfil its core duties the Board will develop initiatives, plans, policies and procedures for Safeguarding Adults in their area or where agreed by the Board adopt existing Pan London Policies and Procedures in relation to:-

- a. The role, responsibility, authority and accountability with regard to the action each agency and professional group should take to ensure the protection of adults.
- b. 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;
- c. establish how it will hold partners to account and gain assurance of the effectiveness of its arrangements;
- d. determine its arrangements for peer review and self-audit;
- e. establish mechanisms for developing 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;
- f. develop preventative strategies that aim to reduce instances of abuse and neglect in its area;
- g. 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;
- h. formulate guidance about the arrangements for managing adult safeguarding, and dealing with complaints, grievances and professional and administrative malpractice in relation to safeguarding adults;
- i. 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;
- j. 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';
- k. identify mechanisms for monitoring and reviewing the implementation and impact of policy and training;
- l. carry out safeguarding adult reviews and advise the local authority and Board Partners on lessons to be learned;
- m. produce a Strategic Plan and an Annual Report;
- n. evidence how Board members have challenged one another and held other Boards to account;
- o. Review and comment on the impact for safeguarding of individual member agencies' operational strategic decision making, including budgetary considerations; and
- p. the Board will engage in any other activity that facilitates or is conducive to, the achievement of its objectives.

3.3 The LSAB will maintain:-

- A Case Review Framework, Quality Assurance Framework and a local learning and development strategy which is shared across local organisations who work with adults.
- Monitor and evaluate the effectiveness of action plans arising from the Case Review and Quality Assurance frameworks and of all training, including multi-agency training, for professionals in the area.

- 3.4 In all activities the LSAB will promote the equality of opportunity and to meet the diverse needs and wishes of adults at risk in the area.

4 RELATIONSHIP WITH OTHERS

- 4.1 The LSAB recognise other partnerships and organisations work in Brent and have responsibilities to address issues relevant to safeguarding adults at risk. To ensure effective communication and lead accountability in issues which traverse groups, the SAB will develop working protocols with:-
- The Quality Surveillance Group
 - The Health & Wellbeing Board
 - The Safeguarding Children Board
 - The Safe City Partnership
 - Domestic Violence Strategy Group
 - Coroner's Office
 - Office of the Public Guardian
- 4.2 It will play a strong role in supporting information sharing between and within organisations and addressing any barriers to information sharing, ensuring that a culture of information sharing is developed and supported as necessary by multi-agency training.

5. BSAB CHAIR & ACCOUNTABILITY

- 5.1 The Care Act 2014 requires Brent Council as a Local Authority to establish a SAB. The SAB is independent of the Council. In order to provide effective scrutiny it will not be subordinate to, nor subsumed within other local structures.
- 5.2 The SAB will have an Independent Chair to hold all agencies to account.
- 5.3 It is the responsibility of the Chief Executive to appoint, monitor or remove the SAB Chair with the agreement of a panel including LSAB partners. The Chief Executive and, where appropriate, the Lead Member will hold the Chair to account for the effective working of the SAB in consultation with SAB members.
- 5.4 The SAB Chair should work closely with all SAB partners and particularly with the Director of Adult Social Care.¹
- 5.5 The Chair will ensure the SAB publish a Strategic Plan for each financial year, this plan should address both short and longer term actions and must set out how it will help adults in its area and what action each member of the Board will take to deliver the plan and protect better. When preparing the plan the Board must consult the local Healthwatch and involve the community.

¹ The Director of Adult Social Services has the responsibility within the local authority, in accordance with the Children Act 2004 which makes an amendment to Section 6 of the Local Authority Social Services Act 1970 ("the 1970 Act"). This amendment requires a Local Authority with Social Services responsibility in England to appoint an officer as the Director of Adult Social Services, once a Local Authority exercises its power to appoint a Director of Children Services.

5.6 The Chair must ensure the SAB publish an annual report on its activities including an assessment of the effectiveness of local safeguarding arrangements and the challenges for the next year to relevant Statutory Bodies. The annual report must also provide information about any Safeguarding Adults Reviews (SAR's) and how the Board is monitoring progress against its policies and intention to deliver its Strategic Plan. The annual report should be published in relation to the preceding financial year and should fit with local agencies' planning, commissioning and budget cycles. The report must be submitted to the following:-

- Chief Executive and Leader of Brent Council;
- The Metropolitan Police Borough Commander;
- The Chair of the Health and Wellbeing Board;
- The Chief Operating Officer of Brent Clinical Commissioning Group; and
- The local Healthwatch

6. THE ACTIVITIES OF THE BOARD

6.1 In pursuit of its aims the SAB will:-

- adopt the financial year April 1st – March 31st;
- Hold its meetings at least six times per year;
- Require a quorum of at least one third of the voting membership in order to have a fully constituted meeting;
- Always seek to operate on a consensus basis. If it is not possible to reach a consensus, members will be required to undertake a formal vote on a simple majority basis which will be recorded. Each statutory agency's representative in attendance will have a single vote. In the event of a tied vote the Chair will have the casting vote;
- Review its Constitution on an annual basis at the first meeting of each financial year following a formal consultation process with the statutory agencies;
- Review and adopt the Terms of Reference for the sub groups on an annual basis at the first meeting of each financial year following a formal consultation process with the sub groups;
- Keep a written record of all Board meetings and meetings of its Sub Groups;
- Any member of the full Board may submit items to be included on the agenda of a main meeting of the LSAB supported by a written statement/report to the Chair at least 10 working days before the meeting.
- Agenda and reports will be circulated generally at least 5 working days prior to the meeting;
- The SAB are committed to transparency and will, at the discretion of the Chair having exercised due caution regarding Data Protection obligations or similar legal considerations, publish Board meeting minutes, report and key performance data.

6.2 The LSAB will also operate sub groups which will carry out the day to day operational functions of the LSAB. All sub groups will have an annual work plan which will derive from the LSAB annual business plan to support the operational functions of the Board.

6.3 In order to carry out these functions the following sub groups will meet regularly as appropriate:-

- Case Review
- Monitoring and Evaluation
- Learning & Development
- Community Engagement and Awareness
- Establishment Concerns Subgroup

Time limited task groups may also be convened to deliver priority areas of work according to the business plan of the Board.

6.4 Chairs of Sub-Groups will be SAB Members in order to ensure a link and effective communication and feedback to the Board. The Sub-Groups will report to the Board at each meeting to evaluate their progress against the Business Plan and address any issues arising from the Sub Group work.

6.5 The SAB delegates power to the sub-groups to:-

- a. carry out any work related to the different sections of the Business Plan;
- b. undertake consultation as appropriate;
- c. take a decision in reference to a specific item on behalf of the Board where authority to do so has been properly delegated by the Board;
- d. prepare a response to consultation matters on behalf of the Board;
- e. investigate a particular issue;
- f. publish material on behalf of the Board; and
- g. discharge any functions delegated to it from the Board.

7. **FREEDOM OF INFORMATION**

7.1 Under the Ministry of Justice extension to the Freedom of Information Act 2000 Local Safeguarding Adults Boards are not deemed as Public Authorities under the Act and therefore will be exempt from requests for the disclosure of information under the Freedom of Information Act 2000.

8. **MEMBERSHIP**

- 8.1 Schedule 2 of the Care Act 2014 defines which Statutory Board Partners are required to have membership on the Board. In addition membership of the Board will include such other persons as the Local Authority which established it, having consulted the other Statutory Members as listed in sub-paragraph 1 of Schedule 2 considers appropriate.
- 8.2 Board Partners should designate a particular named person in a senior strategic lead position within their organisation as the member of the Board to ensure consistency and continuity.
- 8.3 Members will need to be people with a strategic role in relation to safeguarding and promoting the welfare of adults within their organisations. They should be able to:-
- Speak for their organisations with authority;
 - Commit their organisations on policy and practice matters;
 - Hold their organisations to account.
- 8.4 Members are required to nominate a suitable alternative representative in the event of them being unable to attend meetings who have the authority to commit their organisation to decisions.
- 8.5 Membership of the SAB will consist of representatives from the following who will have a vote.
- Brent Council
 - Director of Adults Social Care
 - Director of Children and Families
 - Director of Housing Services
 - 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 Carers Forum
 -
- Department for Work and Pensions
- Crown Prosecution Service

Other membership of the LSAB who will act in an advisory/observer role and will not have a vote will include:-

- The Lead Cabinet Member for Health and Adult Social Care
- The Director of Public Health
- Designated Health Professionals

- Principal Social Worker
- Brent Mencap
- Legal Advisor to the Board

8.6 The Board will secure the involvement of other relevant organisations, either by inviting them to be representatives of its sub-groups, through invitation for specific issues for discussion of a SAB meeting or through some other mechanism.

8.7 At the discretion of the Chair of the Board, observers can attend Board meetings. Observers are interested individuals who have been invited to attend Board meetings. At the discretion of the Chair of the Board observers can address the meeting but they are not members of the Board and cannot vote.

9. **CODE OF PRACTICE**

9.1 Members of the Board will operate in accordance with the Constitution, Membership Handbook and relevant Role Descriptions.

9.2 There will be an agreed Induction Programme for all new members.

10. **FINANCIAL ARRANGEMENTS**

10.1 LSAB Partners have agreed to the establishment and maintenance of a Pooled Fund pursuant to Schedule 2 of the Care Act 2014 which will be managed by the Local Authority on behalf of Board Partners. The Strategic Plan will include proposed budget and expected contribution from all partners.

11. **DISPUTES AND COMPLAINTS**

11.1 The Board is intended to be a collaborative, co-operative body and needs to ensure that no particular sector or member is unduly favored. Problems and issues should normally be debated and resolved at Board meetings.

DISPUTES

11.2 If there is a dispute between Board members the Independent Chair and Director of Adult Services will convene a joint meeting with the parties. This should take place within 28 days of the determining that the dispute exists. In most cases the Independent Chair of the LSAB will chair these meetings. The agenda will be agreed jointly by the parties in dispute.

11.3 If no agreement can be reached, either party to the dispute may suggest to the chair that an independent mediator be appointed in a further attempt to resolve the dispute. If parties are not in agreement with this and no resolution has been identified within 28 days then the LSAB Chair may refer the dispute to a Chartered Institute for Arbitrators to be resolved.

- 11.4 If there is a dispute between the Independent Chair and an LSAB partner or any other Board a similar process will be followed. The Director of Adult Services will convene a joint meeting of the parties as above. If no agreement can be reached, either party to the dispute may suggest that an independent mediator be appointed in a further attempt to resolve the dispute. If parties are not in agreement with this and no resolution has been identified within 28 days then the Director of Adult Services may refer the dispute to a Chartered Institute for Arbitrators to be resolved.
- 11.5 The LSAB can require a person or body to comply with a request for information. This can only take place where the information is essential to carrying out LSAB statutory functions. Any requests for information about individuals must be “necessary” and “proportionate” to the reasons for the request the LSAB will be mindful of the burden of requests and should explain why the information is needed.

COMPLAINTS

- 11.6 The Board shall refer all complaints from members of the public in relation to the provision or performance of any function of a member organisation to the Board Partner’s own internal complaints handling process.
- 11.7 Complaints regarding the operation of the Board should be addressed to the Chair who will investigate and attempt to reach satisfactory resolution with the complainant.

12. NON COMPLIANCE OF ACTIVITIES

- 12.1 The work of the SAB will be set out in the Business Plan. In time for the start of each financial year all member agencies will sign an agreement stating their commitment to fulfill their obligation to safeguard and promote the welfare of adults. This will include a commitment to fulfilling their role within the SAB.
- 12.2 Issues of non-compliance will, in the first instance, be referred to the Chair of the Board who will investigate and attempt to reach satisfactory resolution through discussion with the representative of the agency concerned. In the event of satisfactory resolution not being reached, the matter will be referred back to the Chief Officer within the agency, to the relevant inspectorate, and, if necessary, to the relevant government Department.

13 MONITORING AND INSPECTION

- 13.1 The SAB’s role is to ensure the effectiveness of work to safeguard and promote the wellbeing of adults at risk of abuse or neglect by member organisations and as such the SAB will monitor and evaluate this through its work. The SAB will publish performance against objectives set out in the business plan within the Annual Report.

14. OVERVIEW AND SCRUTINY

- 14.1 The LSAB and its members will co-operate with any reasonable request by the Council in respect of its Overview and Scrutiny functions under Section 21 Local Government Act 2000 and as a minimum will meet twice a year to provide independent dialogue on Safeguarding.