Warwickshire Safeguarding Adults Board

CONSTITUTION

WARWICKSHIRE SAFEGUARDING ADULTS BOARD

The Warwickshire Safeguarding Adults Board ['WSAB' or 'the Board'] is established by Warwickshire County Council ('the Council') under section 43 of the Care Act 2014 and the Care and Support Statutory Guidance (October 2014) ['the Statutory Guidance'].

1. AIM

1.1 The aim of the Board is to ensure the effective co-ordination of services to safeguard and promote the welfare of adults in accordance with the Care Act 2014 and the Statutory Guidance.

1.2 The Board 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 that members and partners act to help and protect adults at risk or experiencing neglect and/or abuse. The WSAB is a multi-agency strategic Board that will coordinate the strategic development of Adult Safeguarding across Warwickshire and ensure the effectiveness of the work undertaken by Partner Agencies in the area.

2.2 Whilst WSAB 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. 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. In accordance with the Statutory Guidance, the statutory members of the Board should have in place a Designated Adult Safeguarding Manager who will provide relevant information to the Board.

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. The process and progress of this course of action will be reported to the Local Authority Chief Executive by the Chair.

3. FUNCTIONS

3.1 The core duties of the Board are set out in sections 43 and 44 and Schedule 2 of the Care Act and Chapter 14 of the Statutory Guidance issued under section78 of the Care Act 2014 which require 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 section 44 of the Care Act 2014.

3.2 The Board will decide how it will operate, but in doing so, must ensure that its arrangements will be able to deliver the duties and functions described in Schedule 2 of The Care Act 2014 and meet the requirements of the Statutory Guidance.

3.3 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 West Midlands Policies and Procedures. The Board will:-

- Define the role, responsibility, authority and accountability with regard to the action each agency and professional group should take to ensure the protection of adults;
- 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;
- Establish how it will hold partners to account and gain assurance of the effectiveness of its arrangements;
- Determine its arrangements for peer review and self-audit;
- 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;
- Develop preventative strategies that aim to reduce instances of abuse and neglect in its area;
- 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;
- Formulate guidance about the arrangements for managing adult safeguarding and dealing with complaints, grievances, professional and administrative malpractice in relation to safeguarding adults;
- 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;
- 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;
- Identify mechanisms for monitoring and reviewing the implementation and impact of policy and training;
- Carry out safeguarding adult reviews and advise the local authority and Board Partners on lessons to be learned from these as well as those published by other SAB’s;
- Produce a Strategic Plan and an Annual Report;
- Evidence how Board members have challenged one another and held other related local Boards to account;
- Review and comment on the impact for safeguarding of individual member agencies’ operational strategic decision making, including budgetary considerations;
- Promote multi-agency training and consider any specialist training that may be required. Consider any scope to jointly commission any training with partner agencies and other groups, including the WSCB;
- Engage in any other activity that facilitates or is conducive to the achievement of its objectives.

. 3.4 The WSAB 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.

3.5 In all activities the WSAB 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

The WSAB recognise that other partnerships and organisations work in Warwickshire 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 WSAB will develop working relationships with:

- The Health and Wellbeing Board;
- The Warwickshire Safeguarding Children Board;
- The Safer Warwickshire Partnership Board;
- The Community Safety Partnership;
- Coroner's Office;
- Office of the Public Guardian;
- Quality Surveillance Groups.

4.2 The Board 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 agreed protocols and multi-agency training.

. 5. WSAB CHAIR & ACCOUNTABILITY

5.1 The Care Act 2014 requires Warwickshire County Council as a Local Authority to establish a Safeguarding Adults Board which is independent of the Council. In order to provide effective scrutiny it will not be subordinate to, or subsumed within other local structures.

5.2 The WSAB will have an Independent Chair to hold all agencies to account. The Chair will be accountable to the Chief Executive of the Council.

5.3 It is the responsibility of the Chief Executive to appoint, monitor and remove the SAB Chair with the agreement of a panel including WSAB partners. The Chief Executive and, where appropriate, the Council's Lead Cabinet Member for Health and Social Care will hold the Chair to account for the effective working of the WSAB in consultation with WSAB members.

5.4 The Chair's role is to: –

- Lead collaboratively;
- Give advice, support and encouragement;
- Offer constructive challenge and hold the main partner agencies to account;
- Ensure that interfaces with other strategic functions are effective; and
- Act as spokesperson for the WSAB.

This will involve working closely with all WSAB partners and particularly with the Director of Adult Social Care (DASS).[1] The DASS will also act as Vice Chair of the WSAB in the event of the Chair being unable to attend for any reason.

5.5 The Chair will ensure that the WSAB publish a Strategic Plan for each financial year which should address both short and longer term actions and 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 better protect adults at risk. When preparing the plan the Board must consult the local Healthwatch and involve the community.

5.6 The Chair must ensure the WSAB 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 Warwickshire County Council;
- The Chief Constable of Warwickshire Police;
- The Chair of the Health and Wellbeing Board;
- The Chief Operating Officers of the three Warwickshire Clinical Commissioning Groups Warwickshire North, South Warwickshire and Coventry and Rugby; and
- The local Healthwatch.

6. THE ACTIVITIES OF THE BOARD

6.1 In pursuit of its aims the WSAB will:

- Adopt the financial year April 1st – March 31st;
- Hold its meetings quarterly (not less than four times per year);
- Keep a written record of attendance at Board meetings;
- Require a quorum of at least one third of the voting membership in order to have a fully constituted meeting.

[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.

- 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 member in attendance will have a single vote. In the event of a tied vote the Chair will have the casting vote;
- As part of its review and revision of its strategic plan, the WSAB will review its Constitution on an annual basis at the first meeting of each financial year, following a formal consultation process with the statutory agencies and recommend any changes to the Council for approval;
- 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 WSAB supported by a written statement/report to the WSAB Business Manager 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 WSAB 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 WSAB will establish a Governance Sub Committee.
Membership:

- WSAB Independent Chair;
- DASS or nominated senior manager;
- CCG representative;
- Police representative;
- WSAB Sub Committee Chairs;
- Others as deemed relevant by the SAB Chair to the business of the Governance Sub Committee;

WSAB Governance Sub Committee Business:-

- Formulate the Strategic Plan for Board endorsement;
- Monitor performance against the Strategic Plan;
- Set the Board's Agenda;
- Create and monitor the WSAB Risk Register;
- Confirm annual estimates and budget for the Board's approval, and monitor performance against the budget;
- Oversee communications by the WSAB, including the Annual Report.

Frequency of meetings: Quarterly between WSAB meetings.

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

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

- Safeguarding Adults Review (SAR);
- Performance, Monitoring and Evaluation;
- Workforce Development;
- Procedures and Guidelines;
- District and Borough Councils.

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

6.5 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.

6.6 The Board authorises the sub-groups to:

- carry out any work related to the different sections of the Business Plan;
- undertake consultation as appropriate;
  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;
- prepare a response to consultation mattes on behalf of the Board;
- investigate a particular issue;
- publish material on behalf of the Board; and
- discharge any functions delegated to it from the Board.

7. FREEDOM OF INFORMATION

Safeguarding Adults Boards are not defined as Public Authorities for the purposes of the Freedom of Information Act 2000 and are not subject to rights of access to information.

8. MEMBERSHIP

. Schedule 2 of the Care Act 2014 defines which agencies must be members of the Board. In addition, the Board may include such other persons as the Council considers appropriate having consulted its partners from the Police and the clinical commissioning groups.

8.2 The members of WSAB are:

- The Independent Chair;
- Warwickshire County Council;
- Warwickshire Police;
- The National Probation Service;
- The Warwickshire and West Mercia Community Rehabilitation Company;
- Warwickshire Fire and Rescue Service;
- Warwickshire District and Borough Councils;
- Warwickshire North, South Warwickshire and Coventry and Rugby Clinical Commissioning Groups (3) (Commissioning);
- The Care Quality Commission;
- NHS England (Commissioning);
- Coventry and Warwickshire NHS Partnership Trust (Provider);
- South Warwickshire NHS Foundation Trust (Provider);
- University Hospitals Coventry and Warwickshire NHS Trust (Provider);
- George Eliot Hospital NHS Trust (Provider);
- Age UK Warwickshire;
- West Midlands Ambulance Service;
- Healthwatch.

The Council will have 7 representatives – currently:

- Director of Adult Social Services;
- Head of Social Care and Support;
- Head of Safeguarding;
- Head of Strategic Commissioning'
- Head of Service for Localities and Community Safety;
- Director of Public Health;
- The Lead Cabinet Member for Health and Social Care.

Each other member will have one representative.

Unless present as a member representative, the Chairs of the WSAB Sub-Committees will be members of the SAB.

The WSAB will be chaired by an Independent Chair and a designated Vice-Chair will be confirmed by the local authority Chief Executive on the recommendation of the Chair.

The WSAB Business Manager will attend all meetings to provide professional advice to the Board

The Lead Nurse, Safeguarding Adults Warwickshire will receive agenda and papers and attend as required to provide professional advice to the Board.

The Legal Advisor to the Board will consider Agenda papers and attend as required to provide professional advice to the Board.

8.3 Each Board member must appoint a person to represent it on the Board. This should be a named person in a senior strategic lead position within the organisation to ensure consistency and continuity.

8.4 Representatives will need to be people with a strategic role in relation to safeguarding and promoting the welfare of adults within their organisation. They should be able to:

- Speak for their organisation with authority;
- Commit their organisation on policy and practice matters;
- Hold their organisation to account.

8.5 In the event that their representative is unable to attend meetings, Board members are required to nominate a suitable alternative representative who has the authority to commit their organisation to decisions.

8.6 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.

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

. 10. FINANCIAL ARRANGEMENTS

10.1 WSAB 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 a 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 favoured. 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 Social 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 WSAB 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 WSAB Chair may refer the dispute to a member of the Chartered Institute for Arbitrators to be resolved.

11.4 If there is a dispute between the Independent Chair and a WSAB partner or any other Board a similar process will be followed. The Director of Adult Social 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 member of the Chartered Institute for Arbitrators to be resolved.

11.5 The WSAB 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 WSAB statutory functions. Any requests for information about individuals must be “necessary” and “proportionate” to the reasons for the request the WSAB 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. Any unresolved matters will be referred to the Local Authority Chief Executive for decision.

12. NON COMPLIANCE OF ACTIVITIES

12.1 The work of the WSAB will be set out in the Strategic Plan. In endorsing the Plan, all member agencies will be agreeing 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 WSAB.

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 concerned and the Chair will have the right to advise the relevant inspectorate, and, if necessary, the relevant government Department. Any decision to take this latter course of action will be discussed with the Local Authority Chief Executive before being actioned by the Chair.

13. MONITORING AND INSPECTION

The WSAB'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 WSAB will monitor and evaluate this through its work. The WSAB will publish performance against objectives set out in its Strategic Plan within the Annual Report.

14. OVERVIEW AND SCRUTINY

14.1 The WSAB 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.