



# **North Yorkshire Safeguarding Adults Board**

# **Constitution**

**May 2016**

## Introduction

North Yorkshire Safeguarding Adults Board [NYSAB or the Board] is a statutory, multi-agency partnership, comprising of statutory, independent and voluntary sector organisations and co-ordinated by the local authority, which provides strategic leadership for adult safeguarding, across the North Yorkshire County Council area.

It is established under section 43 of the Care Act 2014 and the Care and Support Statutory Guidance (March 2016). The Care Act statutory guidance requires partner agencies to agree how they must work together and the roles they must play to keep vulnerable adults at risk safe.

NYSAB is not accountable for the operational work of partner agencies. Each Board Partner has their own existing lines of accountability for safeguarding and promoting the welfare of adults by their services.

The Care Act 2014 created a duty to promote wellbeing and prevention in all care and support functions of which adult safeguarding is one. Adult safeguarding is also included as one of the five aims of co-operation between partners relevant to care and of support.

## Overarching Purpose

The overarching purpose of the Board is to help and safeguard adults with care and support needs. It will do this by:

- assuring itself that local safeguarding arrangements are in place as defined by the Care Act 2014 and Statutory Guidance;
- assuring itself that safeguarding practice is person-centred and outcome-focused;
- working collaboratively to prevent abuse and neglect where possible;
- ensuring agencies and individuals give timely and proportionate responses when abuse or neglect have occurred; and
- assuring itself that safeguarding practice is continuously improving and enhancing the quality of life of adults in its area.

The Board will lead adult safeguarding arrangements across North Yorkshire and oversee and co-ordinate the effectiveness of the safeguarding work of its member and partner agencies. The Board will develop and actively promote a culture with its members, partners and the local community that recognises the values and principles contained in 'Making Safeguarding Personal' and will identify the issues which can contribute to the enhanced wellbeing of its community and the prevention of abuse and neglect, such as:

- the quality and safety of people who use services in local health settings, including mental health;
- the safety of adults with care and support needs living in social housing;
- effective interventions with adults who self-neglect; and
- the quality and safety of local care and support services.

## Aims and Objectives

The overarching 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.

The main objective of the NYSAB is to gain assurance that local safeguarding arrangements, and its SAB partners, act to help and protect adults from its area who meet the criteria set out in Chapter 14 of the statutory guidance of the Care Act 2014. The Board also has a key role in promoting the wider agenda so that safeguarding is a responsibility for everyone. In achieving this, the following six key principles must be followed:

**Empowerment** - Presumption of person led decisions and informed consent. *"I am asked what I want as the outcomes from the safeguarding process and these directly inform what happens".*

• **Prevention** - It is better to take action before harm occurs. *"I receive clear and simple information about what abuse is, how to recognise the signs and what I can do to seek help".*

• **Proportionality** – Proportionate and least intrusive responses appropriate to the risk presented. *"I am sure that the professionals will work for my best interests, as I see them and they will only get involved as much as needed".*

**Protection** - Support and representation for those in greatest need. *"I get help and support to report abuse. I get help to take part in the safeguarding process to the extent to which I want and to which I am able"*

• **Partnership** - Local solutions through services working with their communities. Communities have a key part to play in preventing, detecting and reporting neglect and abuse. *"I know that staff treat any personal and sensitive information in confidence, only sharing what is helpful and necessary. I am confident that professionals will work together to get the best result for me".*

• **Accountability** - Accountability and transparency in delivering safeguarding. *"I understand the role of everyone involved in my life and what I can expect from them".*

## Core Duties

The core duties of the Board are set out in Sections 43 and 44 and Schedule 2 of the Care Act 2014 and Chapter 14 of the Statutory Guidance, issued under Section 78 of the Care Act 2014 which require the Board to:-

- Publish a **Strategic Plan** for each financial year detailing how it will meet its main objectives and what Board Members will do to achieve this;
- Publish an **Annual Report** detailing what the Board has done during the year to achieve its objectives and implement its Strategic Plan and what Board Members have done to implement the Strategy; and
- Conduct any **Safeguarding Adults Reviews** in accordance with Section 44 of the Care Act 2014.

## **NYSAB Strategic Plan**

In line with the requirements of the Care Act 2014 the Board will, each financial year, publish its Strategic Plan which sets out how it will protect and help adults in its area and what actions each member of the SAB will take to deliver the plan. When preparing the Strategic Plan, the NYSAB will involve the community and consult with Healthwatch. The Plan should be evidence based and make use of all available evidence and intelligence from partners to form and develop it.

## **NYSAB Annual Report**

In line with the requirements of the Care Act 2014 s43(5) schedule 2 - 4 the Board will produce an Annual Report as soon as is feasible after the end of the financial year, detailing:

- what the Board has done during that year to achieve its objectives;
- what the Board has done that year to implement its Strategic Plan;
- what each Board member has done during that year to implement the strategy;
- what the Board has done that year to implement the findings of reviews arranged by it;
- the findings of Safeguarding Adults Reviews which have concluded in that year (whether or not they began in that year);
- the findings of Safeguarding Adults Reviews which are on-going at the end of that year (whether or not they began in that year);
- where the Board determines during that year not to implement a finding of a Safeguarding Adult Review and the reasons for its decision.

## **Safeguarding Adult Reviews**

In line with the requirements of the Care Act 2014 the Board will arrange for Safeguarding Adult Reviews to be undertaken in situations involving an adult in North Yorkshire with care and support needs if there is reasonable cause for concern about how the SAB, members of it or other persons with relevant functions, worked together to safeguard the adult, and:

- the adult has died, and the SAB knows or suspects that the death resulted from abuse or neglect (whether or not it knew about or suspected the abuse or neglect before the adult died).
- or where the adult is still alive, and the SAB knows or suspects that the adult has experienced serious abuse or neglect.

Where a Safeguarding Adults Review is being carried out each member of the SAB must co-operate in, and contribute to, the carrying out of a review with a view to identifying the lessons to be learnt from the adult's case, and applying those lessons in the future.

In order to fulfil its core duties the Board will develop initiatives, plans, policies and procedures for safeguarding adults in North Yorkshire, and to this end it has adopted the West Yorkshire, North Yorkshire and York Multi-Agency Policies and Procedures. In addition the Board (as defined in the Statutory Guidance) is required to:-

- identify the role, responsibility, authority and accountability with regard to the action each agency and professional group should take to ensure the protection of vulnerable adults;
- establish ways of analysing and interrogating data on safeguarding notifications that increase the SAB's understanding of intelligence relating to the 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 with a specific aim of reducing 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;
- formulate guidance about the arrangements for managing adult safeguarding, and dealing with complaints, grievances and professional and administrative malpractice in relation to safeguarding adults;
- develop strategies to deal with the impact of issues of race, ethnicity, religion, 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';
- carry out Safeguarding Adult Reviews and determine any publication arrangements following such reviews;
- produce a Strategic Plan and an Annual Report;
- evidence how SAB members have challenged partner agencies and held other Board Members to account;
- identify mechanisms for monitoring and reviewing the implementation and impact of policy and training; and
- promote multi-agency training and consider any specialist training that may be required. Consider any scope to jointly commission relevant training with other partnerships, eg the Community Safety Partnership or Safeguarding Children's Board.

## **Monitoring**

The NYSAB's role is to oversee the effectiveness of work to safeguard and prevent harm to adults at risk of abuse and neglect, and to hold partners to account where failures are apparent. The NYSAB will undertake a peer review process, based on self-evaluation, to monitor the performance of partner organisations in relation to this.

The NYSAB will implement an integrated performance monitoring framework with a focus on outcomes rather than targets. It will also implement a range of quality assurance activities including seeking views of people who have experienced safeguarding services. The NYSAB will publish details of its performance against objectives within its Annual Report.

## **Membership**

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.

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.

Members will occupy 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; and
- hold their organisations to account.

Members are required to nominate a suitable alternative representative to deputise in the event of them being unable to attend meetings, who must have the authority to commit their organisation to decisions.

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 at a SAB meeting or through some other mechanism. At the discretion of the Chair, observers can attend Board meetings.

Membership of NYSAB is attached at Appendix1.

## **Responsibilities of Board Members**

The Board has a collective responsibility for co-ordinating and ensuring the effectiveness of each individual Board Member.

It is each member's responsibility and duty to contribute to steering the strategic direction of the Board and to ensure implementation of relevant legislation and procedures. Board Members will:

- carry out a strategic role in relation to safeguarding and promoting the independence, wellbeing and safety of vulnerable adults;
- have the authority to speak on behalf of their organisation to represent its views and various duties;
- refer back to their organisation to account on all matters relating to safeguarding adults with care and support needs at risk and to recommend ways to implement necessary changes within their organisation;
- be able to request that their organisation deploys resources to support safeguarding adults work by the allocation of financial or human resources to directly support the achievement of the Board's agreed objectives;
- ensure that the safety and wellbeing of adults with care and support needs at risk is promoted within services provided by their organisation;
- agree to develop their knowledge and understanding of safeguarding in order to keep up to date and to share this expertise within the Board and their own organisations, in particular that agreed policies, procedures and findings from all case reviews are appropriately cascaded through their organisations; and
- have a duty of candor by proactively bringing to the attention of the relevant Board matters of high risk at the earliest opportunity.

## **Expectations of Board Members**

Board Members will:

- take a lead role for safeguarding adults within their specific agency and lead on work as required by the Board;
- attend all meetings or if unable to, they will ensure a nominated deputy able to attend and act with the same level of authority;
- ensure that staff and volunteers working within their organisation are kept fully informed of the Board's work;
- represent the interests of adults with care and support needs at risk and safeguarding on other Sub-Groups;
- share the responsibility of ensuring that the Board's work programme is delivered;
- ensure appropriate representation on sub group/task and finish group as appropriate to their organisation;
- chair a sub group/task and finish group if required, or identify a senior manager within their organisation who has the skill and abilities to chair such a meeting;
- contribute to and examine regular updates, data and analysis on individual agency and joint agency performance indicators;
- co-operate in and contribute to the carrying out of a Safeguarding Adults Review; and
- represent the interests of the NYSAB on other Boards and Committees as required.

## **Chair and Vice Chair**

The Local Authority, having consulted the other members of NYSAB, must appoint as the Chair a person whom the authority considers to have the required knowledge, skills and experience to hold all agencies to account and ensure there is appropriate transparency and scrutiny across the Partnership. The appointment will be initially for a two year period with the option to extend for a further two years. The Chief Executive will hold the Chair to account for the effective working of the Board in consultation with the relevant Board Members.

The Vice Chair shall be nominated and appointed by the NYSAB for a period of three years, after which time the NYSAB shall seek alternative nominations.

## **Frequency of Meetings**

NYSAB will meet a minimum of 3 times per year and will adopt the financial year April 1<sup>st</sup> to March 31<sup>st</sup>. There will be one development session per year.

There may be exceptional circumstances that arise that require Board members to meet in between the regular programmed meetings, for example; if a failure to protect adults at risk has led to significant abuse or even death that could result in wide negative political and media interest across the partnership of the Board. Therefore additional meetings may be convened as determined by the Chair.

Minutes of each meeting will be prepared and submitted for approval at the next meeting. The approved minutes of the meetings will be entered as a permanent record of that meeting and published on the SAB website.



## **Quoracy**

- A quorum of the Board shall be at least 4 separate agencies represented and the Chair/Vice Chair. Interim decisions can be made and then validated electronically with all members following the meeting.
- If at any time there is not a quorum present, the meeting shall not proceed.
- Wherever possible the Chair shall attempt to reach decisions by consensus, however should this prove not to be possible then matters will be settled by a simple majority of those members present who are entitled to vote.
- No organisation shall exercise more than one vote and in the case of equity of votes the Chair shall have the casting vote.
- The Chair (or, in the absence of the Chair, the Vice Chair), in consultation with 4 separate agencies, shall decide any issue which requires a decision by the Boards between meetings if it does not, in the opinion of the Chair, require a special meeting to be convened. The decision will be reported and submitted for ratification to the next meeting of the Board.
- The Boards may delegate such of its functions as it considers appropriate to sub-groups and/or task specific working groups.

## **Monitoring of Attendance**

Attendance at meetings is recorded and reported to the Board. In the event of one member's persistent non-attendance, the Chair will write to the Chief Executive of the organisation concerned to bring this to their attention. Overall attendance will be reported in the Annual Report.

## **Information Sharing**

In order to carry out its functions, it will be necessary for the NYSAB to access information from other individuals and organisations, some of whom may be members of the NYSAB and others who may not.

Section 45 of the Care Act 2014 permits the NYSAB to request a person to supply information and the person must comply with the request if certain conditions are met, namely that the information is necessary to enable the Board carry out its statutory functions.

Information will be shared only on a 'need to know' basis when it is necessary to safeguard an adult with care and support needs from abuse.

Informed consent to disclose the information should be obtained from the data subject wherever possible. If this is not possible, it is necessary to consider whether disclosure is necessary in order to prevent harm to the data subject or others

When information is shared, NYSAB will abide by the principles of the Data Protection Act 1998 and must ensure that information is:

- used fairly and lawfully
- used for limited, specifically stated purposes
- used in a way that is adequate, relevant and not excessive
- is kept for no longer than is absolutely necessary
- the information is kept safe and secure



*Some members of the NYSAB are signatories of the Multi Agency Overarching Information Sharing Protocol. It is necessary to consider whether a separate partner agency information sharing arrangement is appropriate to enable the sharing of information between the members of the NYSAB and this is to be further explored*

## **Disputes and Complaints**

The NYSAB is intended to be a collaborative and co-operative body and problems and issues should normally be debated and resolved at NYSAB meetings.

Any dispute or complaint that cannot be resolved as above and which if not resolved satisfactorily, could compromise the effectiveness of safeguarding arrangements, will be addressed via the NYSAB Dispute Resolution Protocol (Appendix 2).

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.

Complaints regarding the operation of a Board should be addressed to the Chair who will investigate and attempt to reach a satisfactory resolution with the complainant.

## **Declaration/Conflict of Interest**

If at any time a Board Member has an interest in any matter being considered by the Boards, he/she shall declare the existence and nature of that interest as set out in the NYSAB Register of Interest documentation at the start of each NYSAB meeting.

Declarations of interest will be recorded and steps taken to ensure the individual concerned has no involvement in decision-making or consequent action in relation to the matter in question.

The Register of Interests, made up of all declarations, will be available at all Board meetings and will be a standing item on all Board agendas.

## **Accountability**

All NYSAB Members will take the Annual Report through their internal governance procedures where they have the necessary structure to allow this, and publish the report on their websites.

The Chair of the NYSAB will present an Annual Report to the Health and Wellbeing Board, including the Board's annual report. The Board is also required to present an Annual Report to the Care and Independence Overview and Scrutiny Committee.

## **Links to other Boards and Partnerships**

NYSAB seeks to act as an important source of advice and assistance, for example in helping others improve their safeguarding mechanisms and so it has developed effective links with other key partnerships and shares relevant information and work plans. The NYSAB works with other strategic forums and Boards to ensure that any duplication is reduced and efficiencies maximised, particularly as objectives and membership between forums is likely to overlap.

The NYSAB does not work in isolation and requires both strategic and operational co-operation with other Boards and forums including, but not restricted to:

- North Yorkshire Safeguarding Children's Board;
- Health and Wellbeing Board; and
- Community Safety Partnership.

The NYSAB has developed a joint protocol with the North Yorkshire Health and Wellbeing and Safeguarding Children Boards. This makes explicit:

- the non-hierarchical relationship between the boards;
- the need to establish processes for the development of strategic plans that recognise and complement each other; and
- the process for sharing and commenting on annual reports.

## **Finances and Resources**

Core members of NYSAB listed in Appendix 1 are responsible for the agency budget contribution to the NYSAB and ensuring that the allocated agency resources, financial and human, are utilised to meet the Board's objectives.

Other NYSAB member agencies may contribute annually towards resources at an agreed level, having regard to the differing size, resources and responsibilities of each agency.

North Yorkshire County Council will administer the budget on behalf of the Board.

The Head of Engagement and Governance will have the authority to act as the Board's budget holder for the authorisation of payments.

Members may, in addition, be required to provide resources such as staffing and accommodation.

## **Structure**

The NYSAB will establish a number of sub groups or task and finish groups to carry out the day to day operational functions of NYSAB. All sub groups will have an annual work plan which will derive from the Board's Delivery Plan to support the operational functions of the Board. These will include:-

- Delivery Group
- Quality and Performance Group
- Practice Development and Training Group
- Local Safeguarding Adult Groups
- Mental Capacity Act Forum
- Safeguarding Adults Review sub group

Chairs of Sub-Groups will be Board 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.

Each Sub Group will review its Terms of Reference on an annual basis at the first meeting of each financial year following a formal consultation process with the sub group members, with any changes reported to the Board.

The Board 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.

When required, task and finish groups will be set up to deliver on specific priorities within the work programme. These task and finish groups will comprise of representatives nominated by NYSAB members who have sufficient knowledge and skills to contribute to the required task.

## **Review of Constitution**

The Constitution will be reviewed biennially by the Board.

## **North Yorkshire Safeguarding Adults Board Membership**

### **Chair**

Independent Chair

### **Core Members**

North Yorkshire Health and Adult Services

PCU (on behalf of 4 Clinical Commissioning Groups)

North Yorkshire Police

### **Associate Members**

Director of Public Health

North Yorkshire and Humber Area Team, NHS England (N.B. agreement with NHS England in place)

Airedale, Wharfedale and Craven CCG

Assistant Director Adult Social Care Operations, NYCC

Assistant Director Quality and Engagement, NYCC

1 District Council (with reference to Community Safety, Housing and Domestic Violence responsibilities)

1 x Acute Hospital NHS Trust

1 x Mental Health NHS Trust

Independent Care Group

Healthwatch

North Yorkshire and York Forum

### **Support to NYSAB**

HAS Head of Engagement & Governance

### **In attendance**

Care Quality Commission – will be invited to attend annually

Crown Prosecution Service – represented by the police and will be invited via police for specific issues.

A Memorandum of Agreement is in place for the Yorkshire Ambulance service to be represented by the CCG representative.

Executive Member NYCC

## **NORTH YORKSHIRE SAFEGUARDING ADULTS BOARD Dispute Resolution Protocol**

**This Protocol relates to disputes between North Yorkshire Safeguarding Adults Board Partners and/or with other Local Safeguarding Adults Boards**

If two or more partner agencies of the NYSAB are engaged in a disagreement that, if not resolved satisfactorily, could compromise the effectiveness of safeguarding arrangements in North Yorkshire, the Independent Chair in consultation with the Director of Adult Services will convene a joint meeting with the parties involved. This should take place within 28 days of the determining that a dispute exists. In most cases the Independent Chair of the HSAB will chair these meetings. The agenda will be agreed jointly by the parties in dispute.

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 Chair may refer the dispute to a Chartered Institute for Arbitrators to be resolved.

If there is a dispute between the Independent Chair and a HSAB partner or any other Local Safeguarding Adults 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.

## References

1. UK Legislation - Care Act 2014
2. Department of Health - Care and Support Statutory Guidance Issued under the Care Act 2014 (Revised March 2016)
3. Department of Health - Statement of Government Policy on Adult Safeguarding (10 May 2013)
4. Adult Safeguarding: Multi-agency policy & procedures for the protection of adults with care & support needs in West Yorkshire, North Yorkshire and York.
5. SCIE Safeguarding Adults Boards checklist and resources (2015).