

**Devon
Safeguarding
Adults Board**

Working together to



Devon Safeguarding Adults Board

Constitution

Version 0.03

24/05/17

Version control for drafting

Version	Date	Details
0.01	29/3/16	First draft considered by DSAB 29/03/17
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Objectives, Roles and Functions of the Board

Title

The Board shall be known as Devon Safeguarding Adults Board, hereafter known as DSAB or the Board.

Mandate

The Board is a Safeguarding Adults Board established by Devon County Council under section 43(1) of the Care Act 2014.

Aim of adult safeguarding

The March 2016 edition of the Care and Support Statutory Guidance to the Care Act says that the aims of adult safeguarding are to:

- prevent harm and reduce the risk of abuse or neglect to adults with care and support needs;
- stop abuse or neglect wherever possible;
- safeguard adults in a way that supports them in making choices and having control about how they want to live;
- promote an approach that concentrates on improving life for the adults concerned;
- raise public awareness so that communities as a whole, alongside professionals, play their part in preventing, identifying and responding to abuse and neglect;
- provide information and support in accessible ways to help people understand the different types of abuse, how to stay safe and what to do to raise a concern about the safety or well-being of an adult; and
- address what has caused the abuse or neglect

Objective

The core objective of the Board, set out in section 43(2) of the Care Act 2014, is to help and protect adults in its area in cases where

- The adult has care and support needs;
- They are experiencing, or at risk of, abuse or neglect; and

- As a result of those care and support needs they are unable to protect themselves from either the risk of or the experience of abuse or neglect

It will do this by co-ordinating and ensuring the effectiveness of what each of its members does. The Board may do anything which appears to it to be necessary or desirable for the purpose of achieving its objective.

The Care and Support Statutory Guidance says that the Board will assure itself that local safeguarding arrangements and partners act to help and protect adults in such cases.

Making Safeguarding Personal

The work of Devon Safeguarding Adults Board is driven towards ensuring all services for vulnerable people are person-centred, easy to access and importantly promote independence, whilst ensuring people are safe. The Board is particularly keen to ensure that the 'Making Safeguarding Personal' agenda is rooted throughout and across all partner organisations and that front line staff are supported to have the confidence in delivering this. The DSAB Business Plan and Sub-Group work plans are developed with these objectives in mind.

Duties

The Board has 3 core duties under the Care Act 2014:

- It must publish a Business Plan and linked Operational Action Plans for each financial year that sets how it will meet its main objective and what the members will do to achieve this. The plan must be developed with local community involvement, and the Board must consult the Healthwatch Devon. The plan should be evidence based and make use of all available evidence and intelligence from partners to form and develop its plan
- It must publish an annual report detailing what the Board has done during the year to achieve its main objective and implement its Business Plan, and what each member has done to implement the strategy as well as detailing the findings of any safeguarding adults reviews and subsequent action
- It must conduct any safeguarding adults review in accordance with Section 44 of the Act. These will be carried out via the Safeguarding Adults Reviews Core Group

Role

The Care and Support Statutory Guidance paragraph 14.134 – 14.135 sets the following roles for the Board:

- It oversees and leads adult safeguarding across the locality

- It will be interested in a range of matters that contribute to the prevention of abuse and neglect, including
 - The safety of patients in its local health service,
 - The quality of local care and support services
 - The effectiveness of prisons and approved premises in safeguarding offenders
 - The awareness and responsiveness of further education services
- It will be an important source of advice and assistance, for example in helping others improve their safeguarding mechanisms.
- It will make effective links with other key partnerships in the locality and share relevant information and work plans. It will cooperate to reduce any duplication and maximise any efficiency, particularly as objectives and membership is likely to overlap.

It is important that SAB partners feel able to challenge each other and other organisations where it believes that their actions or inactions are increasing the risk of abuse or neglect. This will include commissioners, as well as providers of services.

The SAB will need intelligence on safeguarding in all providers of health and social care in its locality, not just those with whom its members commission or contract.

In addition to its role as a Safeguarding Adults Board under the Care Act 2014, the Board also gives local leadership on application of the Mental Capacity Act 2005 by Members, including the Deprivation of Liberty Safeguards.

Functions

Paragraph 14.139 of the Care and Support statutory guidance says that the Board will

- identify 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 that increase the SAB's 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
- 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 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 determine any publication arrangements;
- produce a Business Plan and an annual report
- evidence how SAB members have challenged one another and held other boards to account
- promote multi-agency training and consider any specialist training that may be required. Consider any scope to jointly commission some training with other partnerships, such as the Community Safety Partnership

Membership of the Board

Chair

The local authority, having consulted the other members of the Board, must appoint as the chair a person whom the authority considers to have the required skills and experience

The responsibilities of the Chair are

- To ensure that the Board meets its obligations
- To ensure smooth running of the Board and its meetings

- To report to the Board on its effectiveness in discharging its responsibilities and functions
- To agree the recommendations from Safeguarding Adults Reviews, following consultation with the Director of Adult Social Care for Devon County Council

The Chair will be responsible to the Chief Executive of Devon County Council who may delegate day-to-day responsibility to another officer of Devon County Council.

The Chair may take such action as he or she considers to be in the best interest of the Board, provided that before doing so, the Chair shall consult with the Director of Adult Social Care for Devon County Council and, if reasonably practicable, with Board members, specifically before:

- Making a public or media statement within the objectives and functions of the Board. The Chair shall only make such a statement through Devon County Council's Communications team.
- Making representations to any government body or department, or any other organisation on behalf of the Board.

Vice Chair

The vice chair shall be nominated and appointed by the Board. The vice chair shall be appointed for a term of three years. The Board has the aspiration that the same person cannot act as Vice Chair for consecutive terms, but recognises there may need to be flexibility on this at time.

Membership

The Board shall be composed of senior officers with required skills, experience and responsibility nominated by each member agency. Members must have the sufficient delegated authority to effectively represent their agency and to make decisions on their agency's behalf. They must have access to those responsible for making the decision for which they do not have delegated authority.

If members are unable to attend board meetings for any reason they must send a nominated representative of sufficient seniority. Representatives are appointed to discharge personally the functions of the Board on behalf of their organisation. Therefore, the representative may only send a substitute to a Board Meeting with the consent of the Chair.

Changes to membership

Membership will be reviewed by the Chair every year to ensure appropriate representation

The Chair has the power to make changes to the agencies that make-up of the membership of the Board, the number of members from each agency, and which roles within those agencies will act as Members of the Board. The Chair will consult with Board members on such matters.

An appointed Member of the Board may be removed at any time by the agency they represent.

The Chair of the Board may refer the matter of an individual's continued membership of the Board back to their individual agency for a decision to be made as to whether that individual should continue to represent the agency at the Board.

Where the Chair has reasonable cause to believe that the need for removal is urgent, the Chair may suspend that member until such time as the agency can consider the matter.

Responsibilities of Board Members

Members who attend in a professional and managerial capacity should be:

- able to present issues clearly in writing and in person
- experienced in the work of their organisation
- knowledgeable about the local area and population
- able to explain their organisation's priorities
- able to promote the aims of the SAB
- able to commit their organisation to agreed actions
- have a thorough understanding of abuse and neglect and its impact
- understand the pressures facing front line practitioners

Expectations on Members

Board Members will:

- Take a lead role for safeguarding adults within the representing agency and lead on work as required by the Board.
- Co-operate in and contribute to the carrying out of a safeguarding adults review.
- Share the responsibility of ensuring that the board's work programme is delivered

- Chair a 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.
- Ensure appropriate representation on the sub group/task and finish group as appropriate to their organisation.
- Adhere to the Board's Information Sharing Protocol
- Act as a channel of communication between their agency and the Board.
- Attend and support promotional and other events arranged by the Board
- Contribute to and examine regular updates, data and analysis on individual agency and joint agency performance indicators.

Monitoring of Board attendance

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

Declarations of Interest

If at any time a Board Member has a pecuniary or other potentially prejudicial interest in any matter being considered by the Board, they should declare the existence and nature of that interest.

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

The Declaration of Interest will be a standing item on all Board agendas.

Arrangements for the Board

Meetings of the Board

The Board will meet not less than four times a year. Additional meetings may be convened if required by the Chair.

A quorum of the Board shall be

- Either the Chair or Vice-Chair must be present.
- Five full members, representing at least four separate agencies.

- There must be representation from the four agencies required by section 1 of Schedule 2 of the Care Act 2014 to be members: Devon County Council, NEW Devon CCG, South Devon and Torbay CCG and Devon and Cornwall Police

If at any time there is not a quorum present, the meeting cannot made decisions on behalf of the Board.

The business of each meeting will be planned so that the annual reporting back on work managed within any subcommittee, working group, or other process outside the main meeting, is spread throughout the year

Meetings of the Board are open only to Board members and to invited attendees.

Decision making

Wherever possible the Chair shall attempt to reach decisions by consensus. However, where this proves 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, except in the case of elected Members of Devon County Council who will each have voting rights separate from those of Officers of the Council.

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 the 4 Member agencies set out in section 1 of Schedule 2 of the Care Act 2014 (Devon County Council, NEW Devon CCG, South Devon and Torbay CCG and Devon and Cornwall Police), 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 Boards.

The Board may delegate such of its functions as it considers appropriate to sub-groups and / or task specific working groups.

Confidentiality

The Chair may determine that any particular item of business at a meeting of the Board be treated as confidential. The presumption is that items will not be confidential unless this is a reasonable requirement. Reasonable requirements might include, but are not restricted to, the matter involving sensitive personal data, commercially sensitive information, or information that might prejudice another process.

Accountability

In order to provide effective scrutiny, the Board is independent. It is not subordinate to, nor subsumed within, other local structures. Each partner organisation retains their own existing lines of accountability for safeguarding and the promotion of the welfare of adults with care and support needs by their services.

The principal means of accountability of the Board will be its Annual Report and of minutes of its meetings other than any confidential items.

The Board will make public minutes of its meetings, once these have been agreed at the subsequent meeting, except for the minutes relating to any confidential section of the meeting.

Annual Report

In line with the requirements of Schedule 2 of the Care Act 2014, the Chair of the Board shall send copies of the Annual Report to

- The Chief Executive and the Leader of Devon County Council
- Devon and Cornwall Police's Chief Superintendent
- The Chief Executive of Healthwatch Devon
- The Chair of Devon Health & Wellbeing Board

The Safeguarding Adults Board will offer to present a report to the Health and Wellbeing Board annually, including the Board's annual report.

The Board shall also send its annual report to the appropriate Scrutiny Committee of Devon County Council.

Business Plan

A lead is taken in the strategic development of the Board's Business Plan by:

- Receiving an annual report on the work of standing groups and other working groups.
- Making decisions on the proposed business plan for the coming year.
- Agreeing themes for future Board Themed Workshops and Development meetings

Assurance

The Board will get assurance of how key safeguarding responsibilities are being discharged by all Members by:

- Undertaking agreed self-audits on key safeguarding responsibilities of all Members.
- Providing performance management information on agreed topics.
- Receiving reports on 'Safeguarding Adults Reviews' learning best practice from other review processes
- Receiving updates on Devon Safeguarding Children Board from the Chair where there is shared learning arising from performance review, serious case review (or SAR) and any other audit activity, where there is crossover between safeguarding adults and safeguarding children
- Receiving reports on safeguarding work not led by the work of Sub-committees, working groups or other processes.
- Receiving reports on safeguarding work led by individual Members or standing sub-groups and other working groups.

Finances and Resources

Members of the Board are expected to consider what assistance they can provide in supporting the Board in its work. This might be through payment to the local authority or to a joint fund established by the local authority to provide, for example, secretariat functions for the Board. Members might also support the work of the SAB by providing administrative help, premises for meetings or holding training sessions. It is in all core partners' interests to have an effective SAB that is resourced adequately to carry out its functions. Core members of the Board are responsible for the agency budget contribution to the Board and ensuring that the allocated agency resources, financial and human, are utilised to meet the board's objectives.

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

The financial year will run from 1st April to the 31st March each year.

Devon County Council will administer the budget on behalf of the board. The Business Manager for DSAB will have the authority to act as the board's budget holder for the authorisation of payments, or to escalate such decisions as required by Devon County Council's scheme of delegation. The Business Manager will consult with the Chair on financial decisions.

The Board's budget is kept under review by receiving an annual budget report and agreeing funding proposals.

Structure

The Board shall have power to create Sub-Groups as it deems necessary. These may be standing groups or task and finish groups.

The Board will have the following sub groups:

- An Operational Delivery Group, including safeguarding adults leads from key local partners.
- A Community Reference Group
- A Learning & Improvement Group
- A Safeguarding Adults Review Core Group
- A Mental Capacity Act Group

Where the Board creates an ongoing Subgroup, it will agree Terms of Reference for the group, which specify what authority is to be delegated and the reporting mechanism to the Board.

The Board may agree that some of its sub-groups are jointly run with neighbouring local authority areas where key aspects of the work of such a sub group cross local authority boundaries because there is singular provision by, e.g. an NHS Trust or other agency

When required, Task & Finish groups will be set up deliver key pieces of the work commissioned by and reported to the Board. These task and finish groups will comprise of representatives nominated by board members who have sufficient knowledge and skills to contribute to the required task.

Conflict Resolution

In the event of any dispute between Board Members, the Board will collectively take all reasonable steps within the powers available to its Members to resolve it. When a matter cannot be resolved through the course of a Board Meeting, the matter shall be referred to the appropriate officers of the Members who shall meet to resolve the matter with the Chair's nominee, who will be either the Vice-Chair of the Board or the Chair of the advisory sub-group, with the Chair determining which of those is best placed to attend to the particular matter.

If the dispute is not resolved, the Chair's nominee will escalate it to the Chair of the Board for a further attempt at resolution. The Chair may consult with others, such as senior managers of the agencies involved.

In the event that the dispute cannot be resolved in accordance with the above procedures and within a reasonable time, having regard to the nature of the dispute, the Members concerned may refer the matter to such body or person to act as a mediator as they may agree, the costs of such mediation to be borne by the Members concerned.

Support

The Board will be supported by a Business Manager and a Service Support Officer

Review of constitution

The Board's constitution will be reviewed every 3 years by the board or as required, in accordance with statutory or regulatory provisions or other organisational changes that may require a change to the membership.

Appendix A: Membership of Devon Safeguarding Adults Board

Organisation	Role	Current Representative
	Independent Chair of DSAB	Siân Walker
Devon Partnership Trust	Vice Chair	Penny Rogers
Devon County Council	Strategic Director – People & Director of Adult Social Services	Jennie Stephens
Care Quality Commission (Advisory member of Board)	Inspection Manager - Devon	Mandy Tomlinson
Devon County Council	Councillor & Cabinet Member for Adult Social care & health Services	Andrew Leadbetter
Devon County Council Public Health	Director of Public Health	Virginia Pearson
Devon & Cornwall Police	Detective Superintendent	Steve Parker

Devon Partnership NHS Trust	Director of Nursing & Practice	Paul Keedwell
HM Prison Service	Deputy Governor	Andy Chattaway
Northern, Eastern & Western Devon CCG	Chief Nursing Officer	Lorna Collingwood-Burke
South Devon & Torbay CCG	Director of Quality Assurance and Improvement	Gill Gant
National Probation Service	Assistant Chief Officer Head of Devon & Torbay Local Delivery Unit	Jonathan Nason
Dorset, Devon & Cornwall Community Rehabilitation Company	Assistant Chief Officer	Keri Nason
Northern Devon Healthcare NHS Foundation Trust	Director of Nursing, Quality and Workforce	Darryn Alcorn
Royal Devon & Exeter NHS Foundation Trust	Medical Director	Dr Jane Sword
South Western Ambulance Service NHS Foundation Trust	Director of Nursing	Jennifer Winslade
Torbay & South Devon NHS Foundation Trust	Director of Nursing and Professional Practice	Jane Viner
<i>Advisor to the Board</i>	<i>Chair of Learning & Improvement Sub-Group</i>	<i>Delia Gilbert</i>
<i>Advisor to the Board</i>	<i>Co-Chair of MCA Sub-Group</i>	<i>Sandra Geary</i>
<i>Advisor to the Board</i>	<i>Chair of Operational Delivery Sub-Group</i>	<i>Geraldine Benson</i>
<i>Advisor to the Board</i>	<i>DSAB Business Manager</i>	<i>Ben Smith</i>