

North Somerset Safeguarding Boards Constitution



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1. Title

The Boards shall be known as the North Somerset Safeguarding Adults Board and the North Somerset Safeguarding Children Board, hereafter known as the NSSAB, NSSCB or the Boards.

2. Purpose

- To empower and protect children ^{* see note 1} and those adults who are vulnerable, as defined in and as a response to:
 - The Children Act 2004, the Local Safeguarding Children Boards Regulations 2006
 - Working together to Safeguard Children 2015 and any subsequent legislation
 - The Care Act 2014 and Care and Support Statutory Guidance 2014
- To ensure appropriate safeguards are in place for adults who lack capacity in order to promote their rights, as laid down in The Mental Capacity Act (MCA) 2005 and the Deprivation of Liberty Safeguards (DoLS) 2007.
- To coordinate what is done by each person or organisation represented on the Boards for the purposes of safeguarding and promoting the welfare of children and adults with care and support needs at risk in North Somerset - and making sure that what they do is effective.

3. Objectives

- To ensure that all agencies work together for the purpose of improving local safeguarding and promoting the welfare of children and adults with care and support needs at risk in North Somerset and ensure the effectiveness of that work.
- To ensure clear leadership and accountability structures are in place and visible throughout all the partnership organisations represented on the Boards.
- To ensure that effective safeguarding has both a preventative and protective focus, and that its work must be informed by those who have experienced, or may be at risk of harm and abuse.
- To ensure the Boards learn from experience and continuously develop
- Whilst the Boards have 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 children and adults with care and support needs, it is not accountable for their operational work.

4. Functions

- Each Board Partner has their own existing lines of accountability for safeguarding and promoting the welfare of children and adults by their services. The Boards do not have the power to direct other organisations.
- The Boards have overall governance of the policy, practice and implementation for safeguarding.

Note 1: In accordance with the 1989 and 2004 Children Acts and key statutory guidance, a child is anyone that has not yet reached their 18th birthday. The reference to children within this document will therefore encompass all children and young people up to the age of 18 years. See Working Together 2015, Appendix A: Glossary V 5 Aug 2015

This includes:

- a) To lead and promote the responsibility for safeguarding across all agencies and stakeholders.
- b) To ensure the role, responsibility, authority and accountability with regard to the action each agency and professional group should take leads to the protection of children and adults with care and support needs.
- c) To quality assure safeguarding standards across the partnership and hold agencies and relevant partnerships to account.
- d) To commission regular policy reviews and amendments in response to relevant national and Government changes.
- e) To ensure that matters of diversity and equality are addressed within all safeguarding work and to 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.
- f) To identify types of circumstances giving grounds for concern and when they should be considered as a request for service/referral to the local authority as an enquiry, including referral pathways and thresholds for intervention.
- g) To ensure that matters of mental capacity are addressed appropriately within all adult safeguarding work.
- h) To be responsible for ensuring appropriate and up to date sharing of information protocols are in place across key partner organisations.
- i) To formulate guidance about the arrangements for managing safeguarding, and dealing with complaints, grievances and professional and administrative malpractice in relation to safeguarding.
- j) To ensure that there are systems in place for learning from national and local experience and research, and that any lessons learned are applied to practice and policy development.
- k) Monitor data, outcomes and trends, and ensure action is taken to address identified concerns.
- l) Participate in planning and commissioning of adult/children's services to ensure that safeguarding children and adults with care and support needs at risk is a primary consideration.
- m) Work collaboratively with other strategic partnerships across North Somerset.
- n) Co-operate with neighbouring Adults/Children's Services authorities and their Safeguarding Board partners.
- o) To conduct any safeguarding children and adults reviews.
- p) Agree and publish a Strategic Plan setting out how the Boards purpose and objectives will be realised.
- q) Publish an annual report detailing how the Boards business is being delivered, and the ways in which the Boards are developing services and initiatives to further enhance arrangements for the benefit of children and adults with care and support needs at risk in North Somerset.
- r) The Boards may engage in other activities that facilitate or are conducive to the achievement of its objectives.

The objectives will be achieved through ensuring the following functions are in place:

- a) Robust local Multi-Agency Policies and Procedures for Safeguarding Adults/Children, Mental Capacity Act and Deprivation of Liberty Safeguards that are in accordance with statutory requirements and the Children's Act 2004.

- b) Single and multi-agency training is provided on safeguarding and promoting welfare and that this meets the required standards and is appropriate to the needs of relevant staff.
- c) Adult/Children's Case Reviews are appropriately resourced, co-ordinated and supported and that the Boards are advising on lessons that can be learnt.
- d) Safeguarding is integrated into all contractual arrangements
- e) Performance management systems record and indicate the potential for vulnerability & intervention.
- f) Audit, quality assurance and self-assessments are carried out and the learning achieved is acted upon.
- g) There is comprehensive accessible public information and advice about keeping safe and what constitutes abuse of children and adults with care and support needs at risk.
- h) There is a process in place that ensures children and adults with care and support needs at risk, carers and families are consulted with and their views are taken into account.
- i) Safe Recruitment processes are in place across partnership organisations

5. Board Membership

The Boards shall be composed of:

- a) NSSAB – Agencies as laid out in the Care Act 2014 s14.116 & 14.117. Members must have the authority to speak on behalf of their organisation to represent its views and various duties and to make decisions on their agencies behalf. If they are unable to attend board meetings they must send a consistent individual as their nominated deputy.
- b) NSSCB – agencies listed under Section 13(3) of the Children's Act 2004 and have a strategic role within their agency in relation to Safeguarding and promoting the welfare of children.
- c) The Boards 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 Board meeting or through some other mechanism.

Members will be required to sign a Memorandum of Understanding (Appendix 1, page 9)

NOTE: Some members of the NSSAB/NSSCB may not have clear accountability frameworks for the groups they represent, e.g. the voluntary sector representatives etc. In this case the expectation will be that they communicate effectively within their organisations the decisions made and the work of the NSSAB/NSSCB.

6. Chair & Vice Chair

- Each Board will have an Independent Chair to hold all agencies to account and to provide independent leadership, strategic vision and ensure that there is appropriate transparency and scrutiny across the partnership.
- It is the responsibility of the North Somerset Council Chief Executive to appoint, monitor or remove the relevant Chair with the agreement of a panel including Board partners. The Chief Executive and, where appropriate, the relevant Lead Member will

hold the relevant Chair to account for the effective working of the Board in consultation with the relevant Board members.

- The Commissioning Director Adults (DASS) will chair NSSAB meetings and the Director of Children's Services will chair NSSCB in the event of the absence of the Independent Chair.
- If an Independent Chair is going to be absent for any length of time then a Vice Chair would be considered by the Boards.

7. Frequency of meetings

- The Boards will meet every three months and will adopt the financial year April 1st to March 31st.
- There may be exceptional circumstances that arise that require the Boards members to meet in between the regular programmed meetings, for example; if a failure to protect children or adults at risk has led to significant abuse or even deaths that could result in wide negative political and media interest across the partnership of the Boards. Therefore additional meetings may be convened if required 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.

8. Quoracy & Voting

- A quorum of the Boards shall be at least 4 separate agencies represented and the 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 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 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 Boards.
- The Boards may delegate such of its functions as it considers appropriate to sub-groups and/or task specific working groups.

9. 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 Chief Executive of the organisation concerned to bring this to their attention.

10. Confidentiality

S45 of the Care Act 2014 requires a person or body to comply with requests for information that are made by NSSAB. This request for information can only be made when the information is essential to carrying out the statutory functions of the NSSAB. The NSSCB can also require a person or body to comply with a request for information under Section 14B of the Children Act 2004. This is only when it is essential to carrying out NSSCB statutory duties.

The NSSAB/NSSCB are committed to transparency and information discussed at the board meetings must balance the need to maintain confidentiality of personal and sensitive information with the requirement to share information on a “need to know basis”, when it is necessary to safeguard children and adults (with care and support needs), from abuse and neglect.

11. Notice of Leaving

In the event of a member no longer representing their agency, reasonable notice should be given to the Chair. It is the agency’s responsibility to ensure appropriate representation.

12. Responsibilities of Board Members

- Carry out a strategic role in relation to safeguarding and promoting the independence, wellbeing and safety of vulnerable adults/children
- 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 children and adults with care and support needs at risk and to recommend ways to implement necessary changes within their organisation.
- Be able to request their organisation deploys resources to support safeguarding adults/children’s work by the allocation of financial or human resources to directly support the achievement of the safeguarding Boards agreed objectives.
- Board members will ensure that the safety and wellbeing of children and adults with care and support needs at risk is promoted within services provided by their organisation.
- Members will 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.
- Board Members have a duty of candour by proactively bringing to the attention of the relevant Board matters of high risk at the earliest opportunity.

13. Expectations of Board Members

- Members will attend all meetings and if unable to, they will send a consistent individual as their nominated deputy who is able to act with the same level of authority.

- Members will ensure that staff and volunteers within their organisation are kept fully informed of the Boards work.
- Members will represent the interests of vulnerable children and adults with care and support needs at risk and safeguarding on other Sub-Groups.
- Members will contribute to the work of the Sub-Groups by identifying and mandating appropriate delegates from their organisation.
- Members will represent the interests of the relevant Safeguarding Board on other Boards and Committees.

14. 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 NSSAB/NSSCB Register of Interest Policy.
- Declarations of interest will be recorded and steps taken to ensure that 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.
- NSSAB/NSSCB Register of Interest Policy (Appendix 2, pages 11 - 14)
NSSAB/NSSCB Register of Interest Form (Appendix 3, page 15)

15. Accountability

- In order to provide effective scrutiny, the Safeguarding Children Board and Safeguarding Adult Board are independent. It is not subordinate to, nor subsumed within, other local structures.
- The Boards will form a view of the quality of safeguarding in North Somerset, challenge organisations when necessary and have an independent voice.
- The Boards will be consulted on issues that affect safeguarding promoting the welfare of vulnerable children and adults with care and support needs at risk.
- The local Overview & Scrutiny Committee (OSC) is one of the critical checks and balances to hold safeguarding adults boards to account.
- Elected Members, through their membership of governance bodies such as the Cabinet or Overview & Scrutiny Committee, hold the Local Authority and its officers to account for their contribution to the effective functioning of the Boards.
- The Independent Chairs will be held to account for the effective working of the Boards by the Chief Executive of the Local Authority, drawing on other board partners and where appropriate the Lead Member, who is a participating observer of the board.
- The Director of Adult Social Services (DASS) will be held to account for the effective working of the NSSAB by their Chief Executive and challenged where appropriate by their Lead Member.
- The NSSAB has a strategic role that is greater than the sum of the operational duties of the core partners. The NSSAB oversees and leads adult safeguarding across the locality and will be interested in a range of matters that contribute to the prevention of abuse and neglect. These will include the safety of patients in its local health services, quality of local care and support services, effectiveness of prisons and approved premises in safeguarding offenders and awareness and responsiveness of further education services.

- Each partner organisation retains their own existing lines of accountability for safeguarding and promoting the welfare of vulnerable children and adults with care and support needs at risk by their services.
- It is important that the Boards members feel able to challenge each other and other organisations where it believes that their actions or inactions are increasing the risk of abuse and neglect. This will include commissioners, as well as providers of services.
- The Boards must produce an annual report that should be considered by all agencies, the Chief Executive, Leader of the Council, the local police and crime commissioner, the Director of Children Services (DCS) and DASS, the Chair of the Health and Wellbeing Board and Children's Partnership.
- The NSSCB must conduct Serious Case Reviews in accordance with Working Together 2015.
- The NSSAB strategic plan must be developed with the local community involvement, and the NSSAB must consult the local Healthwatch organisation.
- The NSSAB must conduct Safeguarding Adults Reviews in accordance with Section 44 of the Care Act 2014.
- The NSSAB will decide how they operate but they must ensure that their arrangements will be able to deliver the duties and functions under Schedule 2 of the Care Act 2014.
- The Health, Community & Care Overview Scrutiny Committee and Children and Families Overview and Scrutiny Committee may request advice and information from the Boards as they see fit.

16. Disputes and Complaints

The Boards are 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

If there is a dispute between Board members, the Independent Chair and relevant Local Authority Director 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 Board will chair these meetings. The agenda will be agreed jointly by the parties in dispute.

Complaints

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 satisfactory resolution with the complainant.

In line with South West Child Protection Procedures, the NSSCB may on occasion be required to convene a panel to consider complaints in relation to the process employed and decision making of child protection conferences.

17. Finances and Resources

- The financial year will run from 1st April to the 31st March.
- The Boards must be adequately resourced and funded in order to deliver a level of services which effectively safeguard children and adults at risk in North Somerset and continue to develop the infrastructure which will facilitate this.
- Organisations represented on the Boards should have an identified Safeguarding Adults/Children's lead role who will contribute to the Boards meeting its key objectives.
- The Boards have an ambition to have both sufficient financial and other resource contributions at an agreed level, having regard to the differing size, resources and responsibilities of each agency. Individual agencies will consider options within their future budgetary planning cycles to address this.
- NSSCB will agree an annual combined budget for each forthcoming financial year.
- 18. Management (NSSAB) & Executive (NSSCB) Committees
- The Committees are charged with assisting the Boards in setting strategic and operational priorities and overseeing and monitoring the Sub-Groups and the implementation of the Strategic Plans.
- The Committees will scrutinise data in relation to trend analysis, gaps and learning and will inform the board of areas of good practice and areas for improvement.
- The Committees will ensure there are appropriate links and alignments between the Boards and other Statutory and non-Statutory and Voluntary Organisations.

19. Sub Groups

- The Boards will also operate sub groups which will carry out the day to day operational functions of the Boards. All sub groups will have an annual work plan which will derive from the Boards annual business plan to support the operational functions of the Board.
- Chairs of Sub-Groups will be Board Members (NSSAB) or Executive Committee Members (NSSCB) in order to ensure a link and effective communication and feedback to the Board. The Sub-Groups will report to the Exec/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's members. The Management and Executive Committee will have oversight of each Sub-Group's Terms of Reference at their first meeting of each financial year; The Boards 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.

20. Review of Constitution paper

- The Constitution will be reviewed annually by the Boards.