

**Bristol Safeguarding Adults Board**



**BSAB  
Constitution  
and Terms  
of Reference**

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This constitution and terms of reference were agreed by BSAB on 28<sup>th</sup> October 2015. They will be due for review in October 2016.

## 1. Establishment and Title

The Care Act 2014 brings a statutory requirement for each local authority to set up a Safeguarding Adults Board (SAB).

The Local Safeguarding Adults Board for Bristol is established by Bristol City Council in accordance with the provisions of The Care Act 2014 sections 42 – 46 and will be known as the Bristol Safeguarding Adult Board (BSAB).

BSAB is accountable to its member agencies, which in turn are jointly responsible for the BSAB's policies, procedures and actions.

## 2. Objectives

The Board's main objective is to improve local safeguarding arrangements and ensure partners act to help and protect adults at risk experiencing, or at risk of neglect and/or abuse. The BSAB is a multi-agency strategic Board that will coordinate the strategic development of Adult Safeguarding across Bristol and ensure the effectiveness of the work undertaken by partner agencies in the area.

Whilst the BSAB has a role in coordinating and ensuring the effectiveness of work being undertaken by individuals and organisations in relation to safeguarding and promoting the welfare of adults, it is not accountable for their operational work. In accordance with the Care Act 2014 all partner organisations will be required to have in place a Designated Adult Safeguarding Manager who will be required to provide information to the Board.

BSAB will develop and actively promote a culture that ensures its members, partners and the local community collaborate and work together. The BSAB recognises the values and principles contained in 'Making Safeguarding Personal' which places people's experience and desired outcomes at the centre of all adult safeguarding and therefore at the core of all SAB activity.

Statutory guidance states that a SAB may do anything which appears to it to be necessary or desirable for the purpose of achieving its objective.<sup>1</sup>

<sup>1</sup> Care and Support Statutory Guidance Issues under the Care Act 2014 Department of Health

## 3. BSAB Core Duties

3.1 The Board has three core duties under the Care Act 2014:

1. It must publish a Strategic Plan for each financial year that sets out how it will meet its main objectives and what the members will do to achieve this.
2. It must publish an Annual Report detailing what the SAB has done during the year to achieve its main objectives and implement its strategic plan.
3. It must conduct any Safeguarding Adults Reviews (SAR's) in accordance with Section 44 of the Care Act 2014.

3.2 In order to fulfil its core duties the Board will develop initiatives, plans, policies and procedures for Safeguarding Adults in their area, namely:

- a. establish the role, responsibility, authority and accountability with regard to the action each agency and professional group should take to ensure the protection of adults;
- b. produce a Strategic Plan and an Annual Report;
- c. establish how it will hold partners to account and gain assurance of the effectiveness of its arrangements;
- d. establish ways of analysing and interrogating data on safeguarding notifications that increase the SAB's understanding of the prevalence of abuse and neglect locally that builds up a picture over time;
- e. determine its arrangements for peer review and self-audit;
- f. 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;
- g. develop preventative strategies that aim to reduce instances of abuse and neglect in its area;
- h. identify types of circumstances giving grounds for concern and when they should be considered as a referral to the local authority as an enquiry;
- i. formulate guidance about the arrangements for managing adult safeguarding, and dealing with complaints, grievances and professional and administrative malpractice in relation to safeguarding adults;

- j. 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;
- k. 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';
- l. identify mechanisms for monitoring and reviewing the implementation and impact of policy and training;
- m. carry out safeguarding adult reviews;
- n. evidence how SAB members have challenged one another and held other boards to account;
- o. promote multi-agency training and consider any specialist training that may be required
- p. consider any scope to jointly commission training with other partnerships, such as the Community Safety Partnership.

## 4. Safeguarding Duties

Paragraph 14.2 of the Care Act 2014 states: Safeguarding duties apply to an adult who:

- has needs for care and support (whether or not the local authority is meeting any of those needs) and;
- is experiencing, or at risk of, abuse or neglect; and
- as a result of those care and support needs is unable to protect themselves from either the risk of, or the experience of abuse or neglect.

These duties also apply to organisations other than the Local Authority, for example the NHS and Police.

**Confidentiality** Confidential information relevant to the work of the Board is subject to the common law Duty of Confidence, the Data Protection Act 1998 and the Human Rights Act 1998 with full observance of the Caldicott principles.

Agencies must ensure that confidential information is obtained and processed fairly and lawfully; is only disclosed in appropriate circumstances; is accurate, relevant, and not held longer than necessary; and is kept securely.

4.1 In dispensing with its duties, the BSAB also has a key role in promoting the wider agenda so that safeguarding is a responsibility for everyone. This means as well as

having oversight of timely and effective responses to concerns of abuse, the BSAB aims to achieve its objective to promote an environment where abuse is prevented. In achieving this, the following 6 key safeguarding principles must be followed and underpin the ways in which professionals and other staff work with adults:

- **Empowerment** – Presumption of person led decisions and informed consent. People feeling safe and in control, being more able to share concerns and manage risk of harm either to themselves or others.
- **Prevention** – It is better to take action before harm occurs. Working on the basis that it is better to take action before harm happens.
- **Protection** – Support and representation for those in greatest need. Support and help for those adults who are vulnerable and most at risk of harm.
- **Proportionality** – Proportionate and least intrusive response appropriate to the risk presented. Responding in line with the risks and the minimum necessary to protect from harm or manage risks.
- **Partnership** – Local solutions through services working with their communities. Working together in response to local needs and expectations.
- **Accountability** – Accountability and transparency in delivering safeguarding. Focusing on outcomes for people and communities and being open about their delivery.

## 5. Governance and Scrutiny

BSAB is independent of the Council. In order to provide effective scrutiny it will not be subordinate to, or subsumed within any other local structures.

Bristol City Council People Scrutiny Commission is responsible for the overview and scrutiny of the Board. It ensures that decisions taken by the Council and its partners reflect the opinions, wishes and priorities of the people of Bristol. Scrutiny acts as a 'critical friend', providing support to make sure decisions are carried out correctly and sometimes recommending different or extra courses of action.

### Independent Chair

BSAB will have an independent chair appointed for a term of no more than 3 years. Appointment is made by the Chief Executive of the Local Authority (City Director of Bristol City Council).

Appointment of the independent chair will be approved by a BSAB Panel that must include Partner agency representation.

The Independent Chair will hold all agencies to account and is accountable to the Chief Executive (City Director of Bristol City Council) and should be held to account for the effective working of the BSAB.

The independent chair can be removed from post by the Chief Executive with the agreement of a BSAB Panel including Partner agency representation.

The Independent Chair will work closely with all partner agencies and particularly the Director of Peoples Services to ensure that there are effective arrangements for safeguarding and promoting the welfare of all adults in Bristol.

The Board and Independent Chair will publish an annual report on the Annual Strategic Plan, covering the previous financial year and be submitted to:

- The Chief Executive (City Director of Bristol City Council)
- The Police and Crime Commissioner for Avon & Somerset
- Bristol Clinical Commissioning Group
- Bristol Health and Wellbeing Board
- Healthwatch Bristol
- Scrutiny Committee

The work of the BSAB contributes to the wider goals of improving the wellbeing of all adults. Its role is to ensure the effectiveness of the arrangements made by individual agencies and the wider partnership to safeguard and promote the welfare of adults.

The Chair of the BSAB will provide twice yearly reports on the BSAB activity to the Scrutiny Committee.

The BSAB Strategic Plan and Annual Report will be made widely available and published on the internet.

## Membership

The following organisations are the core statutory members of the Board and will operate as an Executive Group with responsibility for overseeing the governance of the BSAB:

- Bristol City Council - Service Director Care Management
- The Bristol Clinical Commissioning - Director of Quality
- The Chief Officer of the Avon and Somerset Constabulary - Superintendent Safeguarding
- The Executive Group will invite Sub Group Chairs and senior Board Staff to attend meetings.

Membership of the Board will have representation from the following core partners:

Bristol City Council People Directorate:

- Safeguarding, MCA & DOLS leads
- Further Education
- Care & Support - Adults
- Neighbourhood Services and Housing
- Public Health
- Care & Support - Children & Families

Bristol Clinical Commissioning Group (BCCG)

- Safeguarding Adults Lead
- NHS England
- University Hospitals Bristol NHS Foundation Trust
- North Bristol NHS Trust
- South West Ambulance Service NHS Trust



- Avon and Wiltshire Partnership Mental Health NHS Trust
- Bristol Mental Health providers

Police – Avon and Somerset Constabulary

- Safer Bristol/ Youth Offending Team
- Avon and Somerset Probation Trust
- National Probation Service

Bristol Community Health

Avon Fire and Rescue

Named Service Provider Representatives

Named Voluntary Sector Representatives

BCC Councillor for People Directorate

In addition to the above, the BSAB will take action to secure commitment from and maintain links with the following associate partners:

- The Prison Service
- The Crown Prosecution Service
- Care Quality Commission (CQC)
- Faith groups
- Bodies providing specialist care to adults with severe disabilities and complex needs
- The wider City Council
- Representatives of service users and carers
- Voluntary and Community Sector organisations providing services to adults and families.

The BSAB is composed of senior representatives nominated by each of the member agencies. As far as possible organisations will designate named people as their BSAB member so that there is consistency and continuity in the membership of the BSAB.

Members will be representatives of their organisation who have a strategic role in relation to safeguarding within their organisation. They will be able to:

- speak for their organisation with authority,
- commit their organisation on policy and practice matters and resources
- hold their organisation to account.

Each agency represented on the BSAB will be responsible for disseminating information between the BSAB and the agency, and for identifying any necessary actions.

If a member of the BSAB is unable to attend any meeting, they shall be responsible for appointing an appropriate substitute. Should a member fail to attend 2 consecutive board meetings, without apologies being given and an appointed substitute failing to attend, their agency will be written to by the BSAB Chair and asked to provide an explanation and to consider whether to appoint a new member to the board.

Individual members of BSAB have a duty as members to contribute to the effective work of BSAB by maintaining objectivity in their role. If a member feels they cannot maintain objectivity in a particular matter they should consider whether they have a conflict of interest as set out in with the Memorandum of Understanding and seek advice from the legal advisor to the Board if unsure.

\*Full members and associate members of the board will be required to read and sign the Memorandum of Understanding (Appendices 1 & 2)

## 6. Meetings

The Board shall meet quarterly, i.e. four times in one year. However at the request of the Chair additional and extraordinary meetings can be called.

6.1 A quorum of BSAB will be constituted by the statutory partners and the Chair or Vice-Chair plus a minimum of 2 provider representatives.

## 6.2 Safeguarding Adults Board

The Safeguarding Adults Board meetings will be supported by the Safeguarding Business Support Unit with papers circulated a minimum of 7 days in advance of the meeting date. The Board will meet quarterly with dates set 12 months in advance.

## 6.3 Executive Group

The Executive group will meet quarterly and meetings will be scheduled to allow reporting to the Safeguarding Adults Board.

## 6.4 Board Subgroups

Subgroups will meet at least quarterly and will be scheduled to allow reporting to the Board.

## 6.5 Secretariat

The nominated administrator from Peoples Directorate will be responsible for the preparation of the agenda and the servicing of the BSAB.

## 7. Legal Advice

Bristol City Council Legal Services will provide legal advice to the BSAB unless to do so would constitute a conflict of interest. In this case, either a member agency will provide legal advice or independent legal advice will be commissioned.

## 8. Financial Provisions

The BSAB will be supported by its member organisations with adequate and reliable resources in order to deliver the work outlined within the BSAB Strategic Plan and Learning and Improvement framework as well as the operation of relevant sub groups and task groups as required. All member organisations have an obligation to provide BSAB with reliable resources (including Finance) that will enable the BSAB to be strong and effective. Core Statutory Board partners (Local Authority, Police, and Health) will contribute financially to the BSAB budget. Other member organisations will contribute resources and /or finance as necessary to the BSAB.

The member organisations share responsibility for determining the level of contributions required from each agency and the discharge of those resources. The Board will review contributions required from relevant board partners every 12 months to ensure that financial responsibilities are not disproportionately held by a small number of agencies, any changes to agency contributions are to be agreed no later than October each year.

Funding from individual organisations will be committed in advanced into a pooled budget. Members will endeavour to give 12 months' notice of intent to withdraw funding from the BSAB.

The budget will be administered by the local authority, Bristol City Council. The pooled BSAB budget will be sufficient to:

- employ an Independent Chair
- drive forward the day to day business of the BSAB including the monitoring and evaluation of its work, communications, stakeholder engagement, and SAR's;
- provide administrative and organisation support for the BSAB and its subgroups, and those involved in policy and training.

## 9. Business Planning

The BSAB will arrange the production of an Annual Strategic Plan supported by a business plan which will be approved by the Board each year. The Plan will set out the Board's strategic priorities and a work programme for the forthcoming year, and will include measurable objectives and progress against objectives of the previous year. There will be a regular half-yearly progress report to review the Business Plan. The production and review of the Plan will be led by the Executive Board who will meet quarterly to drive forward the business of the BSAB.

The Annual Strategic Plan will be made available to each member agency, relevant inspectorates, the Regional Office of the NHS England and the wider community.

## 10. BSAB Sub-Groups

In addition to the main BSAB Partnership the following sub-groups will be set up to support the functions of the Board:-

**Learning & Development Subgroup** (four meetings a year) will oversee multi-agency adult safeguarding staff training and recruitment policies & procedures.

**Performance and Intelligence Subgroup** (four meetings a year) will fulfil BSAB responsibility to undertake themed audit and evaluation of multi-agency safeguarding activity and provide analysed data reports to the Board and Executive

**Communications and Engagement Subgroup** (four meetings a year) will oversee the development and implementation of the Boards Communications Plan and Stakeholder Engagement Strategy. This group will also take responsibility for public events.

**Safeguarding Adults Review Subgroup** (four meetings a year) will ensure that the Board and partner agencies exercises fulfil their duties under the Care Act 2014 regarding the SAR, action plan implementation and learning. The SAR sub group will also convene to consider requests made for SAR's and will make recommendations to The BSAB Chair regarding commissioning a SAR.

The BSAB may establish additional subgroups and short life working groups as the need arises and as agreed by the Board.

Membership and chairing arrangements for the BSAB subgroups will be agreed by the BSAB and will reflect the agencies represented on the BSAB and the needs of each subgroup.

Chairs of the Subgroups will attend the Executive Group.

## 11. Performance monitoring

All members of the BSAB will provide management and statistical information about their agencies activities in relation to safeguarding adults work.

The provision of management and statistical information will be reviewed on an annual basis by the performance and intelligence sub group.

Where it is found that a Board partner is not performing effectively in safeguarding and promoting the welfare of adults, and the BSAB is not convinced that any planning action to improve performance will be adequate, the BSAB Chair or a member or employee designated by the Chair should explain these concerns to those individuals and organisations that need to be aware of the failing and may be able to take action. For example: to the most senior individuals in the partner organisation, to the relevant inspectorate, and, if necessary, to the relevant Government Department.

The BSAB will monitor its own performance by determining whether the key objectives of the Annual Strategic Plan have been met through the half yearly and end of year reviews of the plan.

It will be for the Local Authority to lead in taking action, if intervention in the BSAB's own processes is necessary.