

# **Norfolk Safeguarding Adults Board**

# **CONSTITUTION & GOVERNANCE**

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## 1. Statutory Basis

- 1.1. The Norfolk Safeguarding Adults Board (NSAB) will work through representation from all partner agencies forming the board to deliver its Strategic Plan and annual Business Plans as well as utilising specialist knowledge and expertise within other relevant agencies to inform its work.
- 1.2. The NSAB is established under Section 43 of the Care Act 2014 as a statutory mechanism for agreeing how the relevant partner organisations within the Norfolk County Council area co-operate to safeguard adults at risk of harm and to ensure the effectiveness of the work of the Board and its partner agencies.

## 2. Purpose

- 2.1. The overarching purpose of the NSAB is to protect adults at risk and to prevent abuse by promoting the safeguarding agenda in its area. This agenda will be:

**preventative** in contributing to the development of cultures, systems and processes that support adults at risk of abuse or neglect, ensuring that wherever possible, harm does not arise to them

**reactive** in instigating Safeguarding Adults Reviews (SAR) following a death, or other situation that meets the criteria set out in the Act

**developmental** in drawing out and disseminating the learning from reviews, keeping local organisations up to date with national developments, and building and nurturing interagency networks that support the safeguarding agenda

**co-coordinating** by adopting a whole-systems approach to safeguarding, working with multiple agencies and perspectives, providing leadership and coordination.

- 2.2 The Board will help and protect adults in its area where there is reasonable cause to suspect that the person:
  - (a). has needs for care and support (whether or not the authority is meeting any of those needs),
  - (b). is experiencing, or is at risk of, abuse or neglect, and

- (c). as a result of those needs is unable to protect themselves against the abuse or neglect or the risk of it.

2.3. The Board will promote a collaborative and pro-active approach amongst Board members by co-ordinating and ensuring their effectiveness in achieving this objective, whether by direct provision of services or by a commissioning process. The Board will apply an appropriate level of challenge to its own activities and to those of its Board members in their safeguarding role.

Specifically, it will:

- 2.3.1 Ensure that multi-agency policies and procedures for safeguarding adults defined under section 42 of the Care Act 2014 are in place together with a methodology for the conduct of Safeguarding Adults Reviews (SARs) and jointly agreed working practices to ensure that the agencies have a framework of agreed practices to safeguard adults in their area.
- 2.3.2 Ensure that an effective performance management structure is in place for the Board and its constituent members.
- 2.3.3 Communicate the need to safeguard and promote the welfare, dignity and respect of adults (defined under section 42 of the Care Act 2014) to professionals and the public.
- 2.3.4 Ensure a robust multi-agency training strategy is in place and in support of the strategy provide multi-agency training and development to staff on safeguarding adults.
- 2.3.5 Publish for each financial year a strategic plan and business plan which sets out:
  - (a) strategy for achieving its objectives (see section 43 Care Act 2014) and
  - (b) what each member will do to implement that strategy.
- 2.3.6 Arrange for there to be a Safeguarding Adults Review of cases involving an adult in its area with needs for care and support where the conditions set out in the Care Act 2014 are met or in any other

case where it is agreed a review is necessary. The Board will ensure that the lessons arising from any such review are promulgated and acted upon by the agencies.

- 2.3.7 Publish an annual report at the end of each financial year that meets the requirement set out in the Care Act 2014.
- 2.3.8 Develop and publish an annual business plan based on the objectives of the Board and ensure that it is shared with the Health and Wellbeing Board, the Head of Paid Service of Norfolk County Council, Norfolk Police and the Chief Officer of the Clinical Commissioning Group in Norfolk.
- 2.3.9 Work jointly with the Norfolk Safeguarding Children Partnership and with other organisations and partnership bodies, in pursuit of the objectives of the Board.

### **3. Making Safeguarding Personal**

- 3.1 To do their role effectively, Safeguarding Adults Boards should develop and promote a culture that recognises the underpinning principles from Making Safeguarding Personal (which draw heavily on the principles from the Care Act 2014). NSAB will do this using the principles as set out in Appendix 1.

### **4. The Nolan Principles**

- 4.1 All officers and members of the NSAB shall have regard to the seven Nolan Principles of public life as set out in Appendix 2.

### **5. Membership**

- 5.1. As set out in schedule 2 of the Care Act, the following are statutory members of the NSAB:
  - (a) Norfolk County Council
  - (b) The Clinical Commissioning Group (CCG) in Norfolk and Waveney
  - (c) Chief Officer of Police for Norfolk.
- 5.2. In addition to the statutory members the following organisations shall be member agencies:

- Providers of health services including acute, community and mental health provision operating in Norfolk
- Providers of social care services operating in Norfolk
- Commissioners of health and social care services
- Regulators of services
- Voluntary and private sector agencies
- Providers of probation services
- Advocacy services
- Healthwatch
- All District Councils through agreed representation
- The Norfolk Prison service
- Chair of the NSAB Business Group.

Where there are multiple organisations of a particular kind in the county such as district councils, health services, care providers etc. – they may decide to share representative attendance at meetings. Organisations pooling representation in this way need to agree how they will be consulted and how their views will be fed into board discussions. These arrangements should be agreed by the Independent Chair and reviewed as necessary.

- 5.3. Each member will have the responsibility for ensuring that an appropriate representative is identified to serve on the NSAB. The representative must be a person whom the member considers to have the required skills and experience to act on behalf of the member.
- 5.4. Membership shall be at a senior level and specifically Board members must be able to:
  - Speak for their organisation or sector with authority
  - Hold their organisation or sector to account
  - Commit their organisation on policy and practice
  - 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 organisations' priorities
  - Have a thorough understanding of abuse and neglect and its impact
  - Understand the pressures facing front line practitioners
  - For politically elected members, represent their organisation in a non-party political capacity.

- 5.5. Membership of NSAB is targeted to include all the responsible and relevant agencies. Members are invited to join the NSAB after consultation between the statutory members. Members are encouraged to choose a representative to act on behalf of appropriate groupings to increase efficiency, for example, District Councils or health organisations could nominate a representative to act for all of them. Where representation occurs in this way the nominated representative will confer with those organisations represented to agree and submit a protocol to the Board outlining the arrangements for dissemination of information in a timely and effective manner.
- 5.6 The Board has the power to co-opt new members, and the power of invitation to attendees for specific areas of interest or expertise.

## **6. Board members' roles and responsibilities**

6.1 Board members have the following roles and responsibilities:

- Members should have the authority to speak on behalf of their organisation to represent its views and various duties and have a responsibility to contribute positively to the work of the Board.
- The NSAB member will be expected to attend the board meetings and any relevant subgroups of the Board and if unable to attend will identify a *suitably senior* deputy with decision making capacity.
- It will be the responsibility of each member to cascade relevant information from the Board within their agency/organisation/networks and to provide feedback from their agency with regard to organisational safeguarding activity to the Board.
- Members will ensure that any issue requiring consideration by the Safeguarding Adults Review (SAR) subgroup, (as per Procedure for Review of Safeguarding Adults Review cases) will be brought to the attention of the NSAB Chair as soon as is reasonably practicable.
- In the event of a member no longer representing their agency, reasonable notice should be given to the Chair so that a replacement can be sourced.
- 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.

- Board Members have a duty of candour, exercised by proactively bringing matters of high risk to the attention of the Board at the earliest opportunity.
- Members will ensure that findings from Safeguarding Adults Reviews and lessons learned are appropriately cascaded and embedded through their organisations and in particular that agreed policies, procedures and findings from all Safeguarding Adults Reviews are appropriately cascaded through their organisations.

## **7. Monitoring of Attendance**

- 7.1 Attendance at meetings is recorded and reported via the annual report. 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.

## **8. Procedures**

- 8.1. The full Board will meet at least four times per year and for at least one further meeting designated as a development day for the Board. Additional meetings may be held for particular purposes at the discretion of the Chair.
- 8.2. The full Board will be chaired by the Independent Chair who will agree the agenda.
- 8.3. Attendance will be monitored and reported as part of the NSAB annual report. Any issues regarding attendance of agencies will be raised with the agency concerned by the Chair.
- 8.4. A meeting of the NSAB requires at least the three statutory members and three other agencies to be quorate. No decisions can be made without the meeting being quorate.
- 8.5. The minutes of NSAB meetings along with any meetings held on its behalf will be entered as a permanent record and submitted for approval at the next meeting.
- 8.6. The meetings of the NSAB will not be held in public however minutes of the board meetings will be posted on the website.

- 8.7. Two representatives comprising of the Chair and Vice-Chair or another full member are enabled to take action on behalf of the NSAB on matters of urgency – such action to be reported to the next meeting of the Board.
- 8.8. Where the Board has authorised the signature of a document the Chair or Vice-Chair shall be authorised to sign that document on behalf of the Board.
- 8.9. In all matters pertaining to the receipt and expenditure of money by or on behalf of the Board, the Board and those authorised to act on its behalf shall conform to the standing orders of Norfolk County Council and subordinate documentation issued pursuant to those standing orders including in particular the procurement standards and guidelines.

## **9. Role of Independent Chair**

- 9.1. The Chair shall be appointed by the local authority Head of Paid Service following consultation with a panel of Board Members. The Chair shall be independent either as a voluntary or paid position under contract. The Chair does not report to the Executive Director of Adult Social Services or the Lead Member but should liaise with them and brief them on an agreed regular basis. The Chair is accountable for the effectiveness of their work as the NSAB Chair and will be appraised annually by the Executive Director of Adult Social Services.
- 9.2. The Chair will advocate on behalf of all agencies as well as discuss and consider their views equally.
- 9.3. Board Members can elect a Vice-Chair from among their members. The role of Vice-Chair will be to act in support of the Chair including chairing meeting of the board when required.
- 9.4. The Chair is responsible for chairing all main NSAB meetings. The Chair will agree the agenda and the minutes. The Chair will represent the Board at formal meetings.
- 9.5. Board members will be consulted on the appointment of the Chair as set out in paragraph 6.1 of this document and review the appointment at least every three years to consider how effective the current arrangements are and whether the objectives of the Board are being met under the current Chair.
- 9.6. The result of that review will be a report supplied to the Head of Paid Service of the local authority.

- 9.7. There will be a clear role description for the Chair to include the requirement to challenge partner agencies at a senior level where there are concerns about safeguarding performance or systems.
- 9.8. The Chair will be supported by the NSAB Business Manager. Practical support and administration will be provided by the Business Manager's team.

## **10. Voting**

- 10.1. The Chair shall seek at all times to ensure that the business of the Board is conducted based on consensus between the constituent members. There may be exceptional circumstances when it becomes necessary to carry out a vote. In such circumstances a resolution may be put to the vote at the meeting and shall be determined by a majority of members present provided that the three statutory members are in favour. The method of voting shall be by a show of hands unless the meeting decides otherwise.
- 10.2. The decision of the Chair having taken the advice of the legal advisor as to the right of any person to vote shall be final.
- 10.3. A declaration by the Chair that a vote has been carried shall be conclusive evidence of the fact.
- 10.4. Any representative dissenting from a vote carried by the Board shall be entitled to have their name recorded in the minutes.
- 10.5. All acts undertaken by a meeting of the Board or by a person acting as their representative shall, notwithstanding that it is afterwards discovered that there was a defect in the appointment of the representative or that any of them were disqualified from holding office or were not entitled to vote, be as valid as if every such person had been duly appointed and was qualified and had continued to be a representative and had been entitled to vote.

## **11. Structure**

- 11.1 Under a restructure, NSAB has established the Business Group; this will bring together the Chairs of all the Locality Safeguarding Adults Partnerships (LSAPs) and the subgroups. The purpose of the restructure is twofold:

- 11.2 To create a more strategic focus for the Board.
- 11.3 To ensure that the LSAPs and subgroups have the fullest opportunity to share progress and learning and to inform the Board of strategic issues they need to address.
- 11.4 The NSAB Business Group will be accountable to the Board.
- 11.5 More detail including the NSAB Business Group and its committees together with the standing Terms of Reference can be found on the website. These arrangements may be subject to change from time to time, subject to agreement by the Board.
- 11.6 The Board will have the authority to commission Task and Finish groups according to the needs of the activity in question.

## **12. Professional Advisers**

- 12.1 The Board will be advised by professional advisers. These will include:
- Norfolk County Council legal advisor
  - The Board Business Manager
  - Others as necessary.

## **13. Strategic plan**

- 13.1 The NSAB will publish a Strategic Plan at least every three years and a Business Plan for each financial year setting out: -
- (a) its strategy for achieving its objectives
  - (b) what each member/group will do to implement Business Plan activities
  - (c) how outcomes will be measured.
- 13.2 In preparing this plan, the NSAB must: -
- (a) consult the Local Healthwatch organisation for its area, and
  - (b) insofar as it is feasible to do so, involve (whether by consultation or otherwise) the community in its area.

## 14. Annual Report

14.1. As soon as is feasible after the end of each financial year, the NSAB must publish a report, in accordance with national statutory guidance, setting out the effectiveness of safeguarding and promoting of the welfare of adults at risk in its area.

14.2 The report will provide a rigorous and transparent assessment of the performance and effectiveness of local services. It will identify areas of weakness, their causes and the action to be taken to address them as well as other proposals for action. The report will include lessons from reviews undertaken within the reporting period and sections that deal with the following matters: -

- (a) what the Board and its individual members have done during that year to achieve its objectives,
- (b) what it has done during that year to implement its strategy,
- (c) what each member has done during that year to implement the strategy,
- (d) the findings of the Safeguarding Adults Reviews (SARs) arranged by NSAB and which have concluded in that year (whether or not they began in that year),
- (e) the reviews arranged by it under that section which are on-going at the end of that year (whether or not they began in that year),
- (f) what the Board has done to act upon the findings of SARs and, where it has decided not to act on a finding, to set out the reasons for this decision,
- (g) monitoring board attendance,
- (h) assessment of local performance against objectives and effectiveness,
- (i) how the Board is monitoring progress against its policies and intentions to deliver.

14.3 The NSAB will send a copy of the report to -

- (a) the Head of Paid Service and the Leader of Norfolk County Council
- (b) the Chief of Police for Norfolk
- (c) the Chief Officer of Norfolk's clinical commissioning group
- (d) the Chair of the Health and Wellbeing Board for Norfolk.

14.4 The NSAB may send a copy of the report to any interested body and specifically to the Chief Executives of all member organisations.

## **15. Finances**

- 15.1 The funding of the NSAB will be derived from three main sources;
- annual contributions from partners (who will contribute annually to an agreed payment level – or where previously agreed through services in kind)
  - grant aid
  - income generation.
- 15.2 The Budget will be agreed annually by the Board to a level sufficient to meet the agreed commitments, responsibilities, duties and objectives of the NSAB.
- 15.3 The financial year will run from April to March the following year with contributing partners being invoiced by the 1st October each year.
- 15.4 Norfolk County Council on behalf of NSAB will act as the accountable body and administer the full budget. Agreement of the funding agencies will be sought on how any under spend is managed. Similarly, the funding agencies will decide how any projected overspend should be managed. Periodic independent audits of the budget along with any exceptions will be reported to NSAB which will remain responsible for all decisions in relation to the budget.
- 15.5 The financial support of the NSAB shall be reviewed each financial year. NSAB should be maintained financially by its statutory/funding members.

## **16. Dispute Resolution**

- 16.1 If there is a dispute between NSAB members, the following dispute resolution procedures will be followed:
- 16.2 Within 28 days of the Board determining that a dispute exists, the NSAB Chair, in consultation with the Executive Director of Adult Social Services will convene a joint meeting of the parties in dispute. This should take place as soon as is reasonably practicable but within three months. In most cases the Chair of NSAB will chair the meeting. The agenda will be agreed jointly by the Chair and the parties in dispute. The aim of this meeting is for both parties to agree a formula for resolving the dispute or agree the issues that separate them and possible ways forward.

16.3 Where there is no agreement, either party may suggest to the Chair that an independent mediator be appointed to resolve the dispute; this course of action requires the agreement of the partners. If they cannot agree this within 28 days the NSAB Chair, in consultation and agreement with the Executive Director of Adult Social Services may refer the dispute to the Chartered Institute for Arbitrators to be resolved.

16.4 If there is a dispute between an NSAB partner and the Chair, similar dispute resolution procedures will be followed. The Executive Director of Adult Social Services, with the agreement of the Board, will convene a joint meeting of the parties in dispute within the same timescales and with the same aims as set out above. Where there is no agreement, either party may suggest to the Executive Director of Adult Social Services that an independent mediator be appointed. If the partners cannot agree this within 28 days the Executive Director of Adult Social Services in consultation with the local authority Head of Paid Service may refer the dispute to the Chartered Institute for Arbitrators to be resolved.

## **17. Data Protection and Freedom of Information Act**

17.1 The Board members shall adhere to their own internal procedures in relation to the exchange of information and where they exist will comply with the provisions of any data sharing agreements. For the avoidance of doubt Safeguarding Adults Boards are not organisations to which the Freedom of Information Act applies. Requests for information will be referred back to individual participating organisations.

## **18. Review**

18.1 The constitution will be amended to reflect relevant changes in legal requirements, board structure or governance.

## 19. Signatures of Statutory Members:

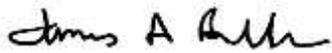
Signed: Joan Maughan



Independent Chair of the Board

Date: 27 April 2021

Signed: James Bullion, Executive Director



On behalf of Norfolk County Council

Date: 2 June 2021

Signed: Nick Davison, Assistant Chief Constable



On behalf of the Norfolk Police

Date: 25 May 2021

Signed: Cath Byford, Chief Nurse



On behalf of the NHS Clinical Commissioning Group

Date: 28 April 2021

## Appendix 1

### Making Safeguarding Personal

To do their role effectively, Safeguarding Adults Boards should develop and promote a culture that recognises the underpinning principles from Making Safeguarding Personal (which draw heavily on the principles from the Care Act 2014). Here's how involving people who need care and support can support boards to implement the principles.

- **Empowerment**

People who need care and support should be supported and encouraged to make their own decisions. Safeguarding Adults Boards can ensure this by supporting people who need care and support to get involved in the work of the board, and ensuring their lived experiences contribute to it.

- **Prevention**

Organisations should work together to stop abuse or neglect before it happens by raising awareness of it, training staff and ensuring information about where to get help is accessible and easy to understand.

Safeguarding Adults Boards should include people from different communities and in different roles, to ensure the safeguarding message is widely heard and understood. They should also use language that is jargon free and work with people who need care and support to ensure that information is easy to understand.

- **Proportionality**

When dealing with abuse or neglect, services should ensure that they think about the risk and what's best for the person, and only get involved where needed – this ensures that they take a proportionate and the least intrusive response to the issue.

Safeguarding Adults Boards should involve people who need care and support in their work, including quality assurance, to help them understand balancing and managing risk.

- **Protection**

Organisations must ensure that they know what to do when abuse has happened. For this to happen, the wider community needs to understand what abuse is and how they can support people to report it. People who need care and support and advocacy groups can help Safeguarding Adults Boards to raise awareness in the community.

- **Partnership**

Organisations should work in partnership with each other and their local communities to prevent, detect and report abuse.

Safeguarding Adults Boards should work with people who need care and support, local people, advocates and community groups in its decision making. This will ensure effective partnership working that's built on strong and trusting relationships.

- **Accountability**

Safeguarding is everyone's business and everyone (individuals, services and organisations) should be accountable. This also means that everyone needs to be clear about their roles and responsibilities.

Safeguarding Adults Boards should involve people who need care and support across their work, rather than 'tokenistic' involvement or on specific small projects. This ensures that their work is both transparent and accountable.

## **Appendix 2**

### **The Nolan Principles**

#### **Selflessness**

To serve only the public interest and never improperly confer an advantage or disadvantage on any person.

#### **Integrity**

Not to place themselves in situations where their integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour.

#### **Objectivity**

Make decisions on merit, including when making appointments, awarding Contracts or recommending individuals for rewards or benefits.

#### **Accountability**

To be accountable to the public for their actions and the manner in which they carry out their responsibilities and should co-operate fully and honestly with any scrutiny appropriate to their Office.

#### **Openness**

To be as open as possible about their actions and those of the Council and should be prepared to give reasons for those actions.

#### **Honesty**

Not to place themselves in situations where their honesty may be questioned, should not behave improperly and should, on all occasions, avoid the appearance of such behaviour.

#### **Leadership**

Should promote and support these principles by leadership and by example and should always act in a way that secures or preserves public confidence.