



Gloucestershire Safeguarding Adults Board

Constitution

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1. Title

The Board shall be known as the Gloucestershire Safeguarding Adults Board, hereafter known as GSAB or the Board.

2. Purpose

To empower and protect those adults with care and support needs, as defined in and as a response to:

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 Board for the purposes of safeguarding and promoting the welfare of adults with care and support needs in Gloucestershire, 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 adults with care and support needs at risk in Gloucestershire, 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 Board.

To ensure that effective adult 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 Board learns from experience, audit findings, internal and external peer challenge and have a culture of continuous development.

Whilst the Board has a role in coordinating and ensuring the effectiveness of work being done by local individuals and organisations in relation to adult safeguarding and promoting the welfare of 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 adult safeguarding and promoting the welfare of adults. The Board does not have the power to direct other organisations, although they may make recommendations for improvement.

The Board has overall governance of the policy, practice and implementation for adult safeguarding. This includes:

a) To lead and promote the responsibility for adult 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 adults with care and support needs.
- c) To quality assure adult 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 adult 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 ensure that Gloucestershire has accessible and appropriate pathways for requests for service/referrals to the Local Authority.
- 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 adult safeguarding, and dealing with complaints, grievances and professional and administrative malpractice in relation to adult safeguarding.
- j) To ensure that there are systems in place for the dissemination of learning from national and local experience, reviews and research, and ensuring that any lessons learned are applied to practice and policy development by all adult safeguarding partners.
- k) Monitor data, outcomes and trends, and ensure adult safeguarding partners take actions to address identified concerns.
- l) Advise and support the commissioning of adult services to ensure that safeguarding adults with care and support needs is a primary consideration.
- m) Work collaboratively with all other strategic partnerships across Gloucestershire, including the Gloucestershire Safeguarding Children Partnership, Health and Wellbeing Board and Safer Gloucestershire.
- n) Co-operate with neighbouring Adults Services authorities and their Adult Safeguarding partners.
- o) To conduct any Safeguarding Adults Reviews (SARs).
- p) Agree and publish a Strategic Plan setting out the Board's purpose and objectives
- q) Publish a robust and transparent Annual Report detailing how the Board's business is being delivered, and any initiatives to further enhance arrangements for the benefit of adults with care and support needs in Gloucestershire.
- r) The Board 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:

- Robust local Multi-Agency Policies and Procedures for Adult Safeguarding,

Mental Capacity Act and Deprivation of Liberty Safeguards that are in accordance with statutory requirements.

- Single and multi agency training is provided on adult safeguarding and that this meets the required standards and is appropriate to the needs of relevant staff.
- Safeguarding Adult Reviews (SARs) are appropriately resourced, co-ordinated and supported and that the Board is advised on lessons that can be learnt.
- Adult Safeguarding is integrated into all contractual arrangements.
- Performance management systems record and indicate the potential for vulnerability and intervention.
- There is a clear programme of audit, quality assurance and self-assessment and findings are used to improve the multi-agency adult safeguarding system in Gloucestershire.
- There is comprehensive accessible public information and advice about keeping safe and what constitutes abuse of adults with care and support needs.
- There is a process in place that ensures adults with care and support needs, carers and families are consulted with, and their views are taken into account
- Safe Recruitment processes are in place across partnership organisations.

5. Membership

The Board shall be composed of:

a) The following must be represented on the GSAB 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 agency's behalf. If they are unable to attend Board meetings, they must send a consistent individual as their nominated deputy.

b) The Board will secure the involvement of other relevant organisations, either by inviting them to be representatives of its sub groups, through invitation for specific issues for discussion at a Board meeting or through some other mechanism.

NOTE: Some members of the GSAB 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 GSAB.

6. Chair and Vice Chair

The GSAB 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 Local Authority 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 Director of Adult Social Services (DASS) will chair GSAB meetings in the event of the absence of the Independent Chair.

If the Independent Chair is going to be absent for any length of time, then a Vice Chair would be considered by the GSAB.

7. Frequency of Meetings

The Board will meet every three months and will adopt the financial year 1st April to 31st March.

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

A quorum of the GSAB shall be at least four 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 Independent Chair shall have the casting vote.

The Chair (or, in the absence of the Chair, the Vice Chair), in consultation with four separate agencies, shall decide any issue which requires a decision by the Board between meetings if it does not, in the opinion of the Chair, require a special meeting to be convened. The decision will be reported and submitted for ratification to the next meeting of the Board.

The Board may delegate some 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 the 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 GSAB. This request for information can only be made when the information is essential to carrying out the statutory functions of the GSAB.

The GSAB are committed to transparency and information discussed at 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 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 so that a replacement can be sourced.

12. Responsibilities of Board Members

- Carry out a strategic role in relation to adult safeguarding and promoting the independence, wellbeing and safety of adults with care and support needs.
- 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 adult safeguarding and to recommend ways to implement necessary changes within their organisation.
- Be able to request their organisation deploys resources to support adult safeguarding work by the allocation of financial or human resources to directly support the achievement of the Board's agreed objectives.
- Board members will ensure that the safety and wellbeing of adults with care and support needs is promoted within services provided by their organisation.
- Members will agree to develop their knowledge and understanding of adult safeguarding in order to keep up to date and to share this expertise within the Board and their own organisations.
- Members will ensure that agreed policies, procedures and findings from all reviews are appropriately cascaded through their organisations and that the impact they have on professional practice is monitored and reported back to the Board.

- Board Members have a duty of candor (open and honest transparency) by proactively bringing to the attention of the 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 Board's work.
- Members will represent the interests of adults with care and support needs and adult 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 GSAB 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 Board, they shall declare the existence and nature of that interest as set out in the GSAB Register of Interest Policy.

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

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

15. Accountability

The Board will form a view of the quality of adult safeguarding in Gloucestershire, challenge organisations when necessary and will be able to demonstrate a level of independent representation at meetings.

The Board will be consulted on issues that affect adult safeguarding and promoting the welfare adults with care and support needs.

The Local Authority Overview and Scrutiny Committee is one of the critical checks and balances to hold the Board to account.

Elected Members, through their membership of governance bodies such as the Cabinet or Overview and Scrutiny Committee, hold the Local Authority and its officers to account for their contribution to the effective functioning of the Board.

The GSAB Independent Chair will be held to account for the effective working of the Board 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 GSAB by their Chief Executive and challenged where appropriate by their Lead Member.

The GSAB has a strategic role that is greater than the sum of the operational duties of the core partners. The GSAB 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 adult safeguarding and promoting the welfare of adults with care and support needs by their services.

It is important that Board 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 Board 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 Adult Services (DASS), the Chair of the Health and Wellbeing Board and Healthwatch.

The GSAB Strategic Plan must be developed with the local community involvement, and the GSAB must consult with the local Healthwatch organisation.

The GSAB must conduct Safeguarding Adults Reviews (SARs) in accordance with Section 44 of the Care Act 2014.

The GSAB 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 Local Authority Overview and Scrutiny Committee may request advice and information from the Board as they see fit.

16. Disputes and Complaints

The Board are intended to be a collaborative, co-operative body and needs to ensure that no particular sector or member is unduly favored. Problems and issues should normally be debated and resolved at Board meetings.

Disputes

If there is a dispute between Board members, the GSAB Independent Chair, and if relevant the Director of Adult Social Services (DASS), 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 the Board should be addressed to the Chair who will investigate and attempt to reach satisfactory resolution with the complainant.

Complaints about the GSAB should initially be made to the local authority; the complaint can then be referred to the Local Government Ombudsman, if a satisfactory resolution is not achieved.

17. Finances and Resources

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

The Board must be adequately resourced and funded in order to deliver a level of service which effectively safeguards adults at risk in Gloucestershire and continue to develop the infrastructure which will facilitate this.

Organisations represented on the Board should have an identified Adult Safeguarding Lead role who will contribute to the Board meeting its key objectives.

The Board 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.

18. Business Planning Group

The Business Planning Group are charged with assisting the Board in setting strategic and operational priorities and overseeing and monitoring the sub groups and the implementation of the Strategic Plan.

The Group 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 Group will ensure there are appropriate links and alignments between other Boards, Statutory, Non-Statutory and Voluntary Organisations.

19. Sub Groups

The Board will also operate sub groups which will carry out the day to day operational functions of the Board. All sub groups will have an annual work plan which will derive from the Board's annual Strategic Plan to support the operational functions of the Board.

Chairs of sub groups will be Business Planning Group members in order to ensure a link and effective communication and feedback to the Board. The sub groups will report to the Business Planning Group at each meeting to evaluate their progress against the Strategic 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 Business Planning Group will have oversight of each sub group's Terms of Reference at their first meeting of the financial year.

The Board delegates power to the sub groups to:

- a. Carry out any work related to the different sections of the Strategic 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
- g. Discharge any functions delegated to it from the Board

20. Review of Constitution paper

The Constitution will be reviewed annually by the Board.

Appendix 1 – Memorandum of Understanding

Memorandum of Understanding

Name of Individual Employed By

Job Title

As a member of the Board, I will abide by the standards set out in the Gloucestershire Safeguarding Adults Board Constitution and also:

- I agree to carry out a strategic role in relation to adult safeguarding and promoting the independence, wellbeing and safety of adults with care and support needs experiencing or at risk of abuse or neglect
- I have the authority to speak on behalf of my organisation to represent its views and various duties.
- I am able to refer back to my organisation to account on all matters relating to adult safeguarding and to recommend ways to implement necessary changes within my organisation.
- I am able to request my organisation deploys resources to support adult safeguarding work by the allocation of financial or human resources to directly support the achievement of the Board's agreed objectives.
- I will ensure that the safety and wellbeing of adults with care and support needs experiencing or at risk of abuse or neglect is promoted within services provided by my organisation.
- I agree to develop my knowledge and understanding of adult safeguarding in order to keep up to date and to share this expertise within the Board and my own organisation.
- I will ensure that agreed policies, procedures and findings from all reviews are appropriately cascaded through my organisation and will monitor the impact on professional practice.
- I will proactively bring to the attention of the Board matters of high risk within my own organisation and the wider safeguarding system at the earliest opportunity.

I will contribute to the effective functioning of the Board by:

- Attending all meetings and if unable to attend, I will send a nominated deputy who will be able to act with the same level of authority.
- Ensuring that staff and volunteers within my organisation are kept fully informed of the Board's work, communications and decisions made.
- Representing the interests of adults at risk and adult safeguarding on other

committees that I am a member of.

- Contributing to the work of the Board's sub groups by identifying and mandating appropriate delegates from my own organisation and ensuring that they keep me informed as appropriate.

Appendix 2 – Register of Interest Policy

Register of Interest Policy

Introduction

The Chair together with all board members, both individually and collectively, share responsibility for the successful operation of the Safeguarding Adults Board and determination of issues for consideration before them. The aim of this policy is to:

- Recognise that Independent Chairs and Board Members bring a wealth of experience that adds value and expertise which should not be inhibited.
- Enable any potential conflicts to be identified and managed in a proportionate way without getting in the way of the effective operation of the Safeguarding Adults Board.
- Promote transparency around Chair and Board Member personal or professional interests, memberships, current and previous organisational roles and relationships.
- Ensure that all decisions made by the Safeguarding Adults Board and discussion of issues before them, are and can be seen to be, free from any vested interests and any risk of actual or perceived bias resolved.

Purpose

The Register of Interests Policy is a requirement which applies to members of the GSAB and to any of the committees, groups, sub groups and workstream members. All members are expected to act in the best interests of the Board at all times. It is a requirement that Independent Chairs and all Board members should declare any conflict of interest that arises in the course of conducting Board business. The Board will maintain a register of member's interest to avoid any danger of Board members being influenced, or appearing to be influenced by their private interest in the exercise of their duties.

Underlying Principles

The Independent Chair and Board members are expected to demonstrate a commitment to and understanding of the Nolan principles of public life as set out below:

- selflessness;
- integrity;
- objectivity;
- accountability;
- openness;
- honesty; and
- leadership

Register of Interests

A Register of Interests will be maintained. Independent Chairs and Board Members will be required to register their interests on appointment using a standard form and in addition to any declaration made to their own organisation. This should be updated as needed. The register of interests, made up of all declarations, should be available at all Board meetings.

Details of interests must be made in writing and sent to the GSAB Independent Chair who will record it in a register and acknowledge receipt of the declaration. The declaration must be made as soon as the Member is aware of the interest and/or the contract or proposed contract to which the interest relates.

The Independent Chair and all Board Members should declare any interests at the outset of the Board meeting and whether there are any specific agenda items to which any declaration relates. All declarations must be recorded in the minutes.

What to Declare

All board members are expected to declare any interests which may be perceived to influence their judgment.

Interests that should be registered and declared include:

- Financial relationships such as a contract of employment, consultancy, shareholdings, or receipt of fees with an organisation or business.
- Working relationships that may involve or appear to involve bias, gain or advantage in terms of institutional or professional reputation from a decision.
- Personal relationships where a partner, close relative or friend is involved in or may benefit from a matter under consideration or knowledge of it.
- Other potentially relevant interests such as political activities, membership of voluntary or other organisations or unpaid work.

Board Members cannot be involved in the award, management or monitoring of contracts on behalf of, or for the GSAB in which they have an interest. Declarations of Interest will be a standing GSAB agenda item.

Personal direct and indirect financial interests should normally include the interests of close family members. Indirect financial interests arise from connections with bodies which have a direct financial interest or from being a business partner of, or being employed by a person with such an interest.

A direct financial interest arises where a member or their partner, family member or close friend has a financial interest in a contract or proposed contract whether to their advantage or disadvantage, in which the GSAB is involved. An indirect financial interest may arise where an employee or their nominee or employee's partner holds securities or shares in a company.

A non-financial interest may occur when a member or their partner, family member or close friend has membership or association in a company, society, club or other body, trade union or voluntary body, or is employed by another person or company which has direct financial interests in any matter which is the subject of discussions/negotiations

with the GSAB.

Members involved in the award, management or monitoring of contracts should declare any personal interest to their agency and decide whether such an interest is deemed personal and or prejudicial.

Specific Declarations

There may be occasions where a conflict of interest would, or would be likely to arise in relation to a specific matter before the Board which is not covered by declarations on the register. Such conflicts should be notified to the Chair without delay. The actual or perceived conflict will then be considered, and a proposed approach agreed for determination at the meeting.

Action in Response to Member Declarations

There are three main courses of action available for use in proportion to the degree of actual or perceived risk of conflict, bias or undue influence that would or would be likely to arise.

Following declaration, they are:

- Normal participation within the meeting, discussion or decision where the declared conflict is judged to be remote with little risk of direct impact or perceived bias and of which those present are by then fully aware.
- Continued participation and contribution to discussion where the interest is non-pecuniary and/or has the potential to give rise to perceived bias or undue influence but to have no participation in the decision with the person asked to absent themselves from the meeting for that portion and to return only when concluded.
- Withdrawal from the meeting, where there is a real or direct conflict of interest that would or would be likely to give rise to perceptions of bias, for consideration of the whole item on the agenda in question where the Board considers this appropriate. The Chair would normally indicate the appropriate course to be taken.

Actions in Response to Chair Declarations

- Where the chair of any meeting of the GSAB has a personal interest, previously declared or otherwise, in relation to the scheduled or likely business of the meeting, they must make a declaration and the deputy chair will act as chair for the relevant part of the meeting. Where arrangements have been confirmed for the management of the conflict of interests or potential conflicts of interests in relation to the chair, the meeting must ensure these are followed.
- Where no arrangements have been confirmed, the deputy chair may require the chair to withdraw from the meeting or part of it.
- Where there is no deputy chair, the members of the meeting will select one.

Recording

- Any declarations of interests, and arrangements agreed in any meeting of the GSAB, will be recorded in the minutes.
- Where more than 50% of the members of a meeting are required to withdraw from a meeting or part of it, owing to the arrangements agreed for the management of conflicts of interests or potential conflicts of interests, the chair (or deputy) will determine whether or not the discussion can proceed. In making this decision the chair will consider whether the meeting is quorate, in accordance with the number and balance of membership set out in the GSAB's Constitution.
- Where the meeting is not quorate, owing to the absence of certain members, the discussion will be deferred until such time as a quorum can be convened.
- Where a quorum cannot be convened from the membership of the meeting, owing to the conflicts of interest or potential conflicts of interests, the chair of the meeting shall postpone the meeting.
- This decision must be recorded in the minutes.

Appendix 3 – Register of Interest Form

Gloucestershire Safeguarding Adults Board (GSAB)

Register of Interest Form

Note: A declaration of interest must be submitted by a Board member to the Chair on appointment, reviewed annually and also in the event that any personal interest or potential personal interest arises from the Board's agenda.

Nil returns should be submitted where appropriate.

Name:

Designation:

Nature of interest: (Personal, Financial, Non-Financial, Personal & Prejudicial, Prejudicial)

(Please write none if applicable)

Name:

Date:

Signature:

Agency/Organisation:

I am a Member of:

GSAB

Business Planning Group

Sub Group (Please state)

Work Stream (Please state)

Task and Finish Group (Please state)