

# Southampton Safeguarding Adults Board



## Our Constitution

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## *1. Statutory Basis*

1.1 The Southampton Safeguarding Adults Board will work through the representation from all sectors from our partnership to deliver its Strategic Plan, as well as utilising specialist knowledge and expertise within those agencies to inform its work.

1.2 The Southampton Safeguarding Adults Board (the Board) is established under Section 43 of the Care Act 2014 as a statutory mechanism for agreeing how the relevant partner agencies within the Southampton City Council area co-operate to safeguard and promote the welfare, dignity and respect of adults and ensure the effectiveness of work undertaken in this area. The SSAB is also committed to working closely with the Safeguarding Adult Boards of Hampshire, Portsmouth, and the Isle of Wight. The four Boards across the region are commonly referred to as 4LSAB.

1.3 SSAB will have due regard to the legislation currently in place in fulfilling its purpose.

## *2. Purpose*

2.1 The overarching purpose of Southampton Safeguarding Adults Board is to seek assurance that local safeguarding arrangements and partners, seek to ensure that people can live safe lives, and act to help and protect adults in its area who:

- have needs for care and support (whether or not the local authority is meeting any of those needs)
- is experiencing, or is at risk of, abuse or neglect, and
- as a result of those needs is unable to protect himself or herself against the abuse or neglect, or the risk of it,

and it is felt that the local authority must make (or cause to be made) whatever enquiries it thinks necessary to enable it to decide whether action should be taken in the adult's case and, if so, what, and by whom.

2.2 The Board will promote a collaborative and pro-active approach amongst its 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 members in their safeguarding role.

Specifically, it will:

- identify the role, responsibility, authority, and accountability with regard to the action each agency and professional group should take to ensure the protection of adults with care and support needs

- receive analysed data from partners regarding safeguarding activity and use this data to increase the SSAB's understanding of prevalence of abuse and neglect locally that builds up a picture over time
- establish how it will hold partners to account and gain assurance of the effectiveness of its arrangements via peer review and quality audit.
- establish mechanisms for developing policies and strategies for protecting adults with care and support needs, which should be formulated, not only in collaboration and consultation with all relevant agencies but also where possible and appropriate, take account of the views of those adults, their families, advocates and or their carer representatives.
- ensure that a Safeguarding Strategy is in place, to prioritise prevention; quality assurance and learning, in order to reduce instances of abuse and neglect, and which takes into account the impact of issues such as race, ethnicity, religion, gender/gender and sexual orientation, age, disadvantage and disability.
- formulate multi-agency policy and procedure shared with and across 4LSAB to assist all partners to deploy their arrangements for managing adult safeguarding and maintain their lawful compliance
- identify types of circumstances that give grounds for concern within the 4LSAB Adult Safeguarding Policy and Procedures, including when a referral to the local authority should be made.
- balance the requirements of confidentiality with the consideration that, to protect adults at risk, it may be necessary to share information on a 'need-to-know basis' and as a lawful requirement under the duty to co-operate as set out within the Care Act 2014.
- identify mechanisms for monitoring and reviewing the implementation and impact of policy, procedures, and learning.
- carry out a Safeguarding Adult Review (SAR) if a case meets the statutory criteria to do so or determine associated decision making, in the event of the Board using its powers to order a discretionary Safeguarding Adult Review, if organisations could have worked better together to safeguard an adult at risk.
- produce an Annual Report and share this appropriately across the partnership
- evidence how members have used challenge effectively with one another and held other boards to account, for example in the delivery of SAR recommendations
- promote multi-agency working and aim to consider specialist training that may be required, within budgetary constraints, taking into account relevant opportunities to jointly commission with other Boards.

### *3. The Nolan Principles & Declarations of Interest*

3.1 All officers and members of the SSAB shall have regard to the Nolan Principles of public life, as set out in Appendix 1.

3.2 If at any time, a Board Member has a personal interest in any matter being considered by the Board he/she shall declare the existence and nature of that interest to his/her agency and to the Independent Chair of the Board. Declarations of interest will be recorded.

3.3 Where an interest is potentially prejudicial, steps will be taken to ensure the individual concerned has no involvement in decision making in relation to the matter in question.

### *4. Membership*

4.1 As set out in Schedule 2 of the Care Act, the following are statutory members of the SSAB:

- Southampton City Council
- The Executive Director of Nursing representative of the local Integrated Care System/Clinical Commissioning Group
- The Chief Officer of Police for Southampton City Council area

4.2 In addition to the statutory members, agencies will be invited to join SSAB as deemed appropriate by the 3 statutory members and the Independent chair. Details of membership is published in the Annual Report.

4.3 Each statutory agency will have the responsibility for ensuring that an appropriate representative is identified to serve on the Board. The representative must be a person whom the agency considers having the required skills and experience and who carries known and agreed delegated authority for decision making.

4.4 Membership shall be at a senior level and specifically Board members must be able to:

- Speak for their agency or sector with authority and be fully representative
- Commit to budgetary arrangements or enable commitment to be discussed
- Hold their agency or sector to account
- Commit their agency on policy and practice
- Present issues clearly in writing and in person
- Be experienced in the work of their agency
- Be knowledgeable about the local area and population
- Explain their agencies priorities
- Have a thorough understanding of abuse and neglect and its impact
- Understand the pressures facing front line practitioners

4.5 Membership of the Board will be targeted to include all responsible and relevant agencies. Members may be invited to join the Board after consultation between statutory members. Where there are multiple agencies of a particular kind in the City such as health services or care providers etc., agencies may share representation by agreement with the Independent Chair and statutory members.

4.6 Board Membership can be found by agency, at Appendix 4.

## *5. Procedures*

5.1 The Board will meet at least four times per year in order to conduct its business and extra-ordinary meetings may be held for particular purposes at the discretion of the Independent Chair.

5.2 The full Board will be independently chaired by the Independent Chair who will agree the agenda.

5.3 Attendance will be monitored and reported as part of the Annual Report. Any issues regarding agency attendance of agencies will be raised with that agency, by the Independent Chair.

5.4 Quoracy requires at least the three statutory members and three other agencies to be present and no decisions will be made without the meeting being quorate.

5.5 The minutes of Board meetings along with any meetings held on its behalf, will be entered as a permanent record, and submitted for approval at the next meeting.

5.6 The meetings of the Board will not be held in public. Bulletins containing information about the activities of the Board can be posted on the Board website at regular intervals.

5.7 In cases of urgency two representatives comprising of the Independent Chair and the Vice Chair, are enabled to take action on behalf of the Board, having taken appropriate advice, with any such action reported at the next Board meeting.

5.8 Where the Board has authorised the signature of a document, only the Independent Chair shall be authorised to sign that document on behalf of the Board.

5.9 All agendas, reports, other documents, and all proceedings of the Board shall be treated as confidential unless or until they are published or are authorised by the Independent Chair to be communicated.

## *6. The Role of The Independent Chair*

6.1 The Independent Chair shall be appointed by Southampton City Council's Chief Executive, following consultation with a panel of Board Members. The Independent Chair shall be in a paid position under contract. The Independent Chair does not

report to the Director of Adult Social Services (DASS) or the Lead Member but should liaise with them and brief them on a quarterly basis. The Independent Chair is accountable for the effectiveness of their work and can be appraised by the Chief Executive, in connection to the scheme that appears in Appendix 5.

6.2 The Independent Chair will advocate on behalf of all agencies as well as discuss and consider their views equally.

6.3 Board Members shall nominate a Vice Chair from members.

6.4 The Independent Chair is responsible for chairing all main SSAB meetings. The Independent Chair will agree the agenda and the minutes. The Independent Chair will represent the Board at formal meetings.

6.5 The Independent Chair will receive recommendations from the Case Review Group about whether a SAR should be conducted, and the Independent Chair will decide on behalf of the Board, whether to proceed; whether to hold a discretionary SAR or whether not to proceed.

6.6 Southampton City Council CEO will consult with Board Members on the appointment of an Independent Chair, and with regard to effectiveness of the Chair's leadership, in accordance with a clear job description.

6.7 The Independent Chair will be supported by the Partnerships Manager in an advisory and administrative capacity. Practical support and administration will be provided by the Partnerships Management Team and the legal adviser to the Board.

6.9 The Independent Chair will aim in the first instance to resolve any complaints about the Board or its Subgroups, after which the Chair can refer any complaint to the relevant organisation.

## *7. Voting*

7.1 The Independent Chair shall seek at all times to ensure that the business of the Board is based on consensus between the constituent members. There may be exceptional instances when it becomes necessary to carry out a vote. The procedure is that 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 agree to this. Each statutory member will carry one vote and each agency will carry one vote. Where there may be more than one member representing an agency, they will need to reach a consensus about how to use their single vote. The method of voting shall be by a show of hands unless the meeting decides otherwise.

7.2 The decision of the Independent Chair as to the right of any person to vote shall be final.

7.3 A declaration by the Independent Chair, in the meeting minutes, that a vote has been carried, shall be conclusive evidence of the fact.

7.4 Any representative dissenting from a vote carried by the Board shall be entitled to have their name recorded in the minutes.

7.5 All acts undertaken by a meeting of the Board, or by a person acting as their representative, will be regarded as valid.

## *8. Structure*

8.1 The structure of the Board, its Executive Group, and its Sub-Groups together with Terms of reference, are set out in Appendices 2 and 3.

8.2 The Executive Group will comprise of the SSAB Independent Chair; the Director of Adult Social Care; Southampton District Commander, Hampshire Constabulary the Executive Director of Nursing, CCG/ICS, and the Partnerships Manager. Other SSAB partners may be invited as and when required.

8.3 The Group will meet four times a year and will require three statutory partners for quoracy.

8.4 The Group will be chaired by the Independent Chair and decide on routine business issues e.g., budget; Annual Report; agree the SSAB Agenda and will be advised on various updates, by the Partnerships Manager. The Executive Group will monitor progress of the delivery of the Strategy and the Business Plan.

8.5 SSAB Subgroup Chairs will all provide their annual Delivery Plans and a quarterly written update report to each Executive meeting, sharing progress against those Plans.

8.6 The Executive Group will receive progress reports on the management and deployment of SARS.

8.7 The Executive Group will receive any relevant 4LSAB updates from the 4LSAB Co-ordination Meeting and consider any local impact.

8.8 The Group will also make recommendations for decision making to the SSAB.

8.9 Each Subgroup will be chaired by a relevant statutory partner and considered acceptable by the Board, to enable connectivity; clear links and strong strategic leadership that is able to deliver the Sub-Group's Delivery Plan.

8.10 The allocation of any funds to any Sub-Group will be formally decided by the Board and Executive Group, and any such requests will require a formal proposal set out within a Board Paper. Sub-Groups have no delegated authority to bind the SSAB to any agreement.

8.11 Sub-Groups should agree a Vice Chair and operate with clear Terms of Reference, which can be annually reviewed and appear in Appendix 3. All Sub-Groups will report to the Board and their Delivery Plans will deliver against the objectives set out in the Safeguarding Adult Strategy and quarterly reporting will be made to the Board's Executive Group.



8.12 The Board may agree additional task and finish or working groups to address particular priorities in the Strategic Plan or to address national initiatives.

8.13 A meeting of a Sub-Group requires at least four members, and it is expected that they will:

- attend a minimum of 75% of meetings and keep attendance records
- inform the Independent Chair in writing of an intent to resign, confirming a potential replacement and arrange any interim cover, where needed.
- appoint an appropriate substitute of equivalent seniority, if unable to attend a meeting
- have representatives of three statutory agencies in order to be quorate, without which decisions cannot be made.
- where quoracy is not achieved, the Partnerships Manager must be informed, who will inform the Independent Chair

## *9. Advisers*

9.1 The Board will be advised by a Southampton City Council lawyer and the Partnerships Manager. The Independent Chair may also advise the Board and the Board may decide to introduce other advisors if deemed necessary.

## *10. Information Sharing and the Board's statutory powers*

10.1 The Care Act 2014 introduced a duty for Safeguarding Adults Boards, under section 44 (1), where the Board has the power under section 45 of the Care Act 2014, to request and obtain information from some person or agency in relation to a safeguarding concern. Where such a request is made by the SSAB, the person or agency must supply the information requested, if they are likely to have the information relevant to the board's functions (information requests can be about a person, or a function or activity that person engages in, or a person in respect of whom they exercise the function or activity).

10.2 The power of the SSAB to request information could be used when carrying out a Safeguarding Adults Review. However, this power can also be used as part of assisting an on-going safeguarding investigation, especially if there are issues about the need for disclosure of relevant information. The request formally places the person or agency it is made to, under a legal duty to disclose.

10.3 It is the Board that has the power to request disclosure and not Adult Social Care or any other agency.

## *11. The Southampton SAB Adult Safeguarding Strategy*

11.1 The Board will publish its strategic plan, known as the SSAB Adult Safeguarding Strategy, for a three-year period, which can be annually reviewed

11.2 The Strategy will address the aims and objectives of the safeguarding partnership and be supported by a Business Plan. The Sub-Group Delivery Plans will reflect the Business Plan's requirements, in order to implement the Strategy.

11.3 In preparing its Strategy, the SSAB will hold a public and partner consultation, (to include Healthwatch) in so far as it is feasible to do so, in the wake of any conflicting issues in our communities, and to facilitate the role that the local community has in the recognition and prevention of abuse and neglect.

## *12. Annual Report*

12.1 As soon as is feasible after the end of each financial year, the Board must publish an Annual Report, in accordance with national statutory guidance, setting out the effectiveness of adult safeguarding and promoting the welfare of adults at risk.

12.2 The Board will send a copy of the report to the Chief Executive and the Leader of Southampton City Council; the Police and Crime Commissioner of the whole or part of whose area is in Southampton City Council's area; the Chief Constable; Healthwatch; the Chair of the Health and Wellbeing Board; the Chair of the Health and Scrutiny Committee; the City Council's Adult Safeguarding Portfolio Holder; Chief Executives of all member agencies and any other party who may have an interest. It will also be published on the SSAB website.

## *13. Finances*

13.1 The funding of the Board will be derived from annual contributions from mainly statutory partners who will contribute annually to an agreed payment level. Additionally, the Board may generate income from training activity.

13.2 The Budget will be agreed annually by the Board to a level sufficient to meet the agreed commitments, responsibilities, lawful duties, and its objectives.

13.3 The financial year will run from April to March the following year, with contributing partners making payment within three months of the beginning of the financial year, for which the contribution was invoiced.

13.4 Southampton City Council on behalf of the Board will act as the accountable and host body and administer the budget and costs, on the clear understanding that money held, is done so on behalf of the partnership, and must never be used by the City Council for its own causes. Agreement by the funding agencies will be sought on how any under spend or projected over-spend should be managed. The budget will be monitored by the Executive Group and the Independent Chair. Periodic independent audits of the budget, along with any exceptions, will be reported to the Board by the Partnerships Manager, and the Board will remain responsible for all decisions in relation to the budget.

13.5 Board financial support will be reviewed each financial year and requests to statutory partners a funding review, will be made if there is a need to do so, particularly in order to maintain the Boards' lawful compliance with its duties, as set

out in s43 of the Care Act 2014. The Board must be financially maintained by its statutory/funding members.

## *14. Disputes*

14.1 If there is a dispute between Board members, the following resolution procedures will apply:

14.2 Within 28 days of the Board determining that a dispute exists, the Independent Chair, in consultation with the Director of Adult Social Care, will convene a joint meeting of the parties in dispute. This should take place as soon as is reasonably practicable and at least within three months. The Independent Chair will chair the meeting and the agenda will be jointly agreed by all parties, the aim being for both parties to agree a formula for resolving the dispute or agree the issues that separate them and possible ways forward.

14.3 Where there is no agreement, either party may suggest to the Independent Chair that an independent mediator be appointed to resolve the dispute. Such a course of action requires the agreement of Board members. If this cannot be agreed within 28 days the Independent Chair, in consultation and agreement with the Director of Adult Social Care, may refer the dispute to the Chartered Institute for Arbitrators.

14.4 If there is a dispute between a Board member and the Independent Chair, a similar dispute resolution procedure will apply. The Director of Adult Social Care, with the agreement of the Board, will convene a joint meeting of the parties in dispute, within the above timescales and with the same aims. Where there is no agreement either party may suggest to the Director of Adult Social Care that an independent mediator be appointed. If members cannot agree this within 28 days, the Director of Adult Social Care, in consultation with the Chief Executive may refer the dispute to the Chartered Institute for Arbitrators to be resolved.

14.5 If there is a dispute between the Independent Chair and the Director of Adult Social Care, with the agreement of the Board, the remaining two statutory partners will convene a joint meeting of the parties in dispute, within the above timescales and with the same aims. Where there is no agreement the statutory partners may suggest to the Chief Executive of Southampton City Council, that an independent mediator be appointed. If members cannot agree this within 28 days, the two statutory partners, in consultation with the Chief Executive, may refer the dispute to the Chartered Institute for Arbitrators to be resolved.

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

15.1 The Board members shall adhere to the provisions of General Data Protection Regulation 2018 (GDPR) as well as 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.

15.2 Under the GDPR all Data Controllers must have a legal basis to collect, store and use personal data and consent is one basis. Where Consent is sought it must be valid under the terms of the GDPR. This includes families involved in Safeguarding Adult Reviews.

15.4 'Personal data' includes personal details such as telephone numbers, email addresses, bank account details, internet protocol addresses, health records, social information etc. This type of information could be stored in emails, spreadsheets, databases, invoices, or contact lists.

15.6 Based on the provisions of GDPR, the SSAB is expected to keep detailed records of its data processing methods for potential inspection. Failure to do so, could result in a heavy fine.

15.7 For the avoidance of doubt Safeguarding Adults Boards are not Public Authorities to which the Freedom of Information Act applies and requests for information will be referred back to individual participating agencies.

15.8 More information on GDPR and FOI is available from <https://ico.org.uk/>.

## *16. Constitutional Review*

16.1 This document will be reviewed every two years by the SSAB, and any suggested amendments will be put to the following Board meeting for consideration/approval.

### *Appendix 1 - 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.

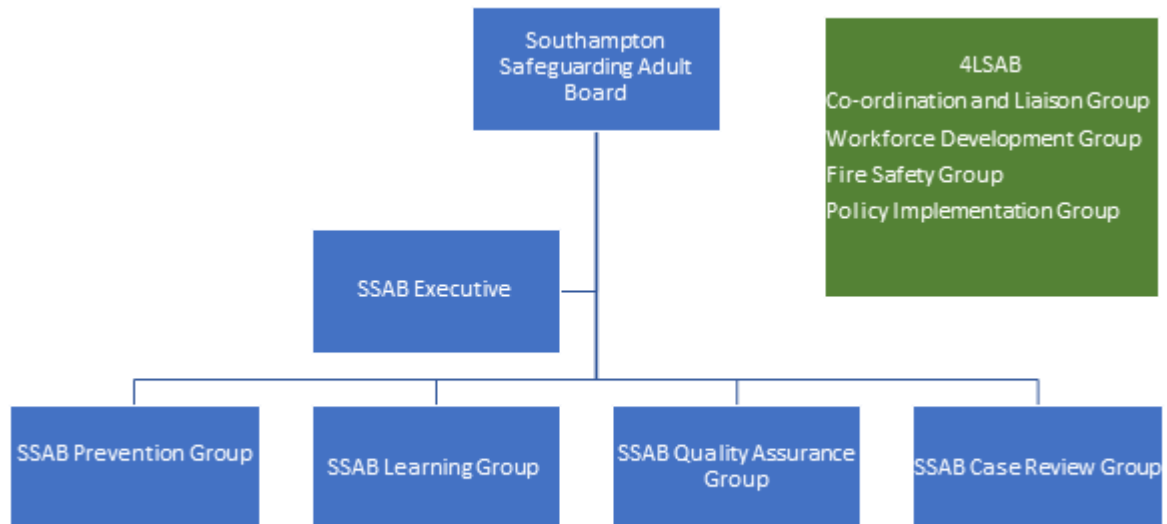
**Accountability** - To be accountable to the public for their actions and the manner in which they carry out their responsibilities and should co-operate fully and honestly with any scrutiny appropriate to their Office.

**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.

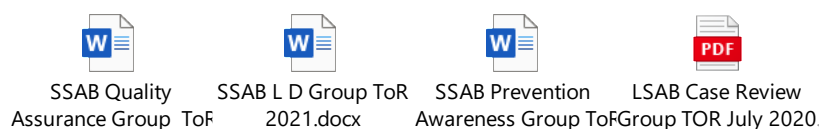
**Leadership** - Should promote and support these principles by leadership and by example and should always act in a way that secures or preserves public confidence.

### Appendix 2 – Board Structure



### Appendix 3 - Terms of Reference (TOR) Sub-Groups

All SSAB Sub-Groups have TORs that are relevant to the specific remit for that Group. The TOR can be reviewed annually by the Group Chair, who will make recommendations to the Board’s Executive for any amends.



### Appendix 4 – Membership

Independent Chair
Clinical Commissioning Group (CCG)/ Integrated Care System (ICS)
Solent NHS Trust
Probation
Southern Health NHS Foundation Trust
Hampshire Constabulary
Department of Work and Pensions
Adult Social Care
Southampton Voluntary Services

Hampshire Fire & Rescue Services
Care Quality Commissions (CQC)
Lead Member (Cllr)
University Hospitals Southampton Foundation Trust (UHSFT)
Public Health
Legal Services
Lay Members
South Central Ambulance Service
Hampshire Isle of Wight CRC (Hampshire Isle of Wight Community Rehabilitation Company)
Voiceability

## *Appendix 5 – Appraisal for The Independent Chair*

It is important that the Independent Chair works within a framework which supports effective partnership working. The Independent Chair will be subject to an annual appraisal, carried out by the Director of Adult Social Services (DASS), unless there is a dispute in process, in which case the Chief Executive will decide on an appropriate appraiser. A report will be sent to the Chief Executive, who will meet with the Independent Chair in order to discuss the report and ensure that it is formally approved.

The following sets out an outline of areas where the Chair can expect to demonstrate effective operation of the board:

### **1) Effective functioning of the SSAB**

*Examples:*

*Governance arrangements in place that support SSAB activity e.g., an agreed Constitution; there is a focused vision and strategy in place, with clear aims and objectives; sub-group delivery plans are in place and are being monitored for progress; the Chair has a dialogue with the City Council Chief Executive on a regular basis and regularly meets with statutory partners; there is connectivity with other relevant Boards; the Chair provides an Annual Report and fully participates in local governance arrangements, meeting regularly the DASS, NHS Executives and the Police Commander (or their representatives); the Annual Report is submitted to the City Council Chief Executive; the Leader of the Council; local authority, the Police and Crime Commissioner; The Chair of the Health and Wellbeing Board; The Chair of the Scrutiny Overview Committee; NHS Executives and Healthwatch; SSAB can demonstrate that experts by experience contribute to the development of multi-agency safeguarding policy and procedure and learning.*

### **2) SSAB has in effective monitoring and reporting systems in place with its Sub-Groups**

*Examples:*

*All Sub-Groups have appropriate membership and an appointed Chair; Groups meet regularly, develop a delivery plan aligned with the SSAB Business Plan, which is in turn aligned with the Aims and Objectives of the SSAB Strategy and report their progress, quarterly or as required, to the Executive Group.*

**3) All Safeguarding Adult Reviews are carried out to a high standard**

*Examples:*

*The Chair personally approves each SAR; the Chair receives regular feedback about SAR progress and or issues of concern; there is a Case Review Chair in place who is a robust and knowledgeable leader; arrangements are in place to commission SAR Authors; a SAR action plan exists for every SAR completed; systems are in place to evidence base action plan completions; ensuring SAR learning is shared.*

**4) All partner agencies are involved to an appropriate level in work of SSAB**

*Examples:*

*Records of Board attendance are kept and accurate minutes; partner achievements are published in the Annual Report; Board membership is under continuous review and discussed with the Executive Group; if there are concerns about an agency's attendance it is addressed.*

**5) The Chair is up to date and active on national safeguarding matters and takes relevant steps to ensure the SSAB is kept informed and shares learning to raise the SSAB's profile and improve its effectiveness**

*Examples: an active member of the Chair's National Network; research and guidance advice given; ensuring SARs are escalated to through the National Framework where national recommendations have been made; member of Chair's regional network; statutory partners meet with Chair regularly and agree areas of priority which can be nationally and or locally influenced*