



**Empowerment**  
**Protection**  
**Prevention**  
**Proportionality**  
**Partnership**  
**Accountability**

# Constitution

# January 2023

## 1. Introduction

The Brighton and Hove Safeguarding Adults Board (BHSAB) was placed on a statutory footing in line with section 43 and Schedule 2 of the Care Act 2014. The Care Act places a duty on the Local Authority to establish Safeguarding Adults Board and identifies the Local Authority, Police and NHS Integrated Care Board as the three statutory, and principal, partners of the Board.

The main statutory objective of a Safeguarding Adults Board is to assure itself that local safeguarding arrangements and partnerships act to help and protect adults at risk of, or experiencing, neglect and/or abuse, hereafter referred to as an adult.

Statutory safeguarding responsibilities arise where there is reasonable cause to suspect that an adult:

- 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 are unable to protect themselves from either the risk of, or the experience of abuse or neglect.

The BHSAB is a multi-agency strategic partnership that has a unique statutory role in co-ordinating the strategic development of adult safeguarding across Brighton and Hove and ensures the effectiveness of the work undertaken by partner agencies in this area. It comprises senior officers within adult social care, criminal justice, health, housing, community safety, voluntary organisations and service user representative groups.

The BHSAB has the following three statutory duties:

- To publish a strategic plan for each financial year that sets out how it will meet its main objective and what the members will do to achieve this. The plan will be developed in partnership and make use of all available evidence and intelligence.
- To publish an Annual Report detailing what it has done during the year to achieve its main objectives and implement its strategic plan, and what each member has done to implement the strategy as well as detailing the findings of any Safeguarding Adults Reviews and subsequent action.
- To conduct any Safeguarding Adults Review in accordance with Section 44 of the Care Act.

The six key national principles identified in the Care and Support statutory guidance must be followed in achieving this; **Empowerment, Prevention, Partnership, Proportionality, Partnership, and Accountability.**

## 2. The Role of the BHSAB

The **vision** of the BHSAB is that people are able to live together in safety, free from abuse, neglect and exploitation in a city that does not tolerate this and works in partnership to actively prevent abuse occurring and ensuring that when it does happen everyone knows how to report it

The **mission** of the BHSAB is to ensure the continued development of safeguarding policy and practice across all partner agencies, adults and communities consistent with legislation, national policy, 'best practice' guidance, and both local and national learning. We commit to ensuring that the Board, its members and sub-groups, deliver against agreed outcomes to meet statutory requirements.

The **values** of the BHSAB are:

- Gaining assurance that local safeguarding arrangements are in place as defined by the Care Act 2014 and accompanying statutory guidance.
- Ensuring that the principles of Making Safeguarding Personal are central to safeguarding and practice is person centred and outcome focused.
- Working collaboratively with our partner agencies to prevent abuse and neglect where possible.
- Ensuring individuals and agencies provide timely and proportionate responses when abuse or neglect has occurred.
- Striving for continuous improvement in safeguarding practice and supporting partner agencies to embed learning from local and national Safeguarding Adults Reviews, other learning reviews and multi-agency audits.

In order to achieve this the BHSAB will develop policies and procedures and, where relevant, oversee the development of these within partner organisations to:

- Establish ways of analysing and interrogating data on adult safeguarding issues, notifications and completed enquiries which increases the SAB's understanding of the 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 for safeguarding adults.
- Determine its arrangements for peer review and self-audit.
- Establish mechanisms for developing policies, procedures and guidance for protecting adults which should also take account of the views of adults who have needs for care and support, their families, advocates and carers representatives.
- Identify types of circumstances giving grounds for concern and when they should be considered as a referral to the local authority, including referral pathways and thresholds for intervention.

- Formulate guidance about the arrangements for managing adult safeguarding, and dealing with complaints, grievances and professional and administrative malpractice in relation to adult safeguarding.
- Develop strategies to respond to the impact of issues of race, ethnicity, gender, sexual orientation, age, disadvantage and disability on abuse and neglect.
- 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'.
- Identify mechanisms for monitoring and reviewing the implementation of policy and training.
- Carry out Safeguarding Adults Reviews and work with partner organisations to share and embed learning from these as well as from those published by other SAB's.
- Publish a Strategic Plan and an Annual Report.
- Promote multi-agency training and consider any specialist training that may be required. Consider any scope to jointly commission any training with partner agencies and other groups.
- Engage in any other activity that facilitates or is conducive to the achievement of its role.

### **3. Governance and Accountability**

The BHSAB sits within a framework of statutory and non-statutory multi-agency bodies which include the Health and Wellbeing Board (H&WBB), the Safeguarding Children Partnership and the Community Safety Partnership (CSP). These relationships ensure joint approaches can be developed on shared areas of concern. There is a commitment to ensuring good working relationships with SABs in neighbouring areas to prevent duplication and repetition.

The BHSAB is accountable to the Chief Executive of Brighton and Hove City Council and the Lead Member for Adult Social Care in respect of its governance. However, the BHSAB will act independently in respect of monitoring safeguarding arrangements and it is within its remit to scrutinise the safeguarding arrangements of all responsible organisations within Brighton and Hove.

Each body has vital and distinct roles which include a responsibility for safeguarding and promoting welfare. The effectiveness of BHSAB relies upon its ability to assert its statutory authority through an independent voice.

### **4. The Role of the Chair**

The BHSAB is chaired by an Independent Chair. The Chair should be independent, either as a voluntary or paid position under contract. They work closely with all BHSAB partners and will particularly with the Executive Director of BHCC's Health and Adult Social Care.

The Independent Chair's role will include the requirement to challenge partner agencies at a senior level where there are concerns about safeguarding performance or systems. The Chair will provide independent leadership and strategic vision to the BHSAB and ensure that the BHSAB has an independent, objective, and authoritative identity.

The Independent Chair of the BHSAB will report to the Chief Executive of BHCC and meet with the Executive Director of Health and Adult Social Care on a regular basis to monitor the business of the Board.

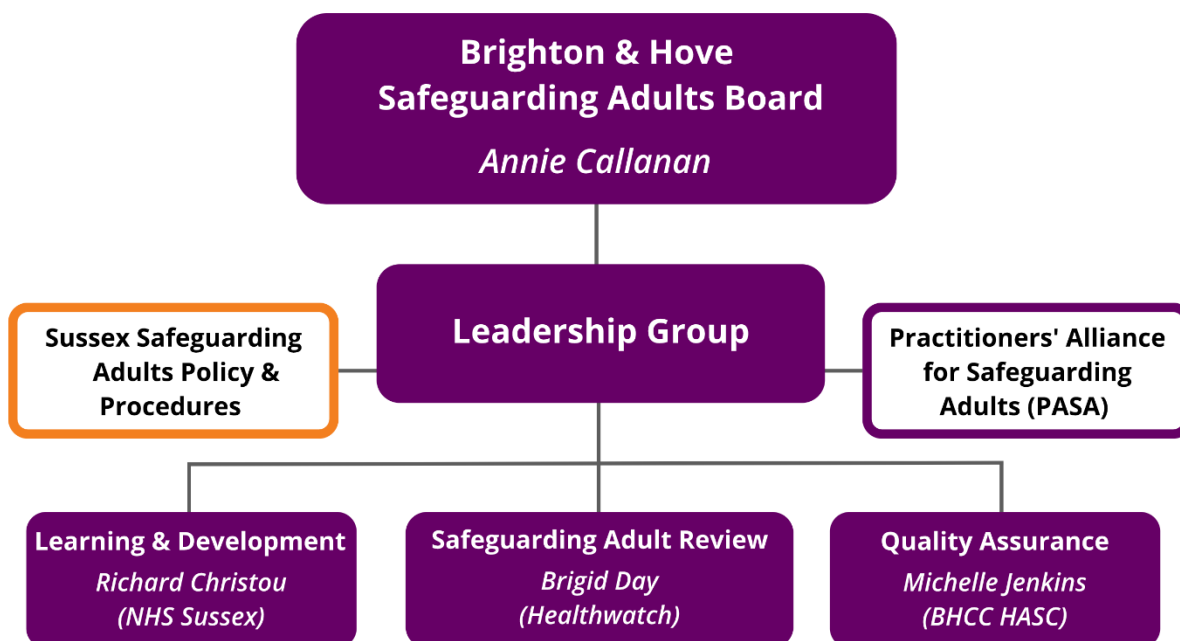
The Independent Chair will be recruited by a multi-agency panel of members of the BHSAB and serve a two-year term at which point his/her tenure will cease and a further selection process will commence which may include the current Chair if they so wish. (BHSAB partners may extend a two-year term if it is agreed by Members). The Independent Chair will engage with other Independent Chairs within the formal structures such as the South-East Regional Chairs Network and the national independent chairs network.

The Vice-Chair of the BHSAB is the Executive Director of BHCC's Health and Adult Social Care who will act on the Chair's behalf in their absence for a period of up to four months and, in doing so, must ensure the continued independence of the BHSAB.

In the event of the Chair's absence extending beyond a four-month period the role of the Chair will then rotate between the three statutory partner representatives of the BHSAB Leadership Group on a three-monthly basis. This is to avoid any conflict of interest and to ensure the BHSAB continues to act in an objective, fair and transparent manner.

## 5. Structure of the Board

The full Board sets the direction and is responsible for ensuring effective delivery. Specific work is undertaken by the BHSAB's Leadership Group and subgroups, which are ultimately accountable to the full board. The overall structure of the BHSAB is displayed below:



The BHSAB will adopt the financial year April 1<sup>st</sup> – March 31<sup>st</sup>. The full board will meet four times per year with meetings lasting two hours. The agenda will be issued to all members at least one week in advance of the full Board meeting. Extraordinary meetings may be called by the Independent Chair where a need arises.

For the BHSAB to be successful and to achieve its aims it needs to be reflective of all partner organisations. Attendance at Board meetings is essential to its success and attendance will be monitored and reported as part of the Annual Report.

The BHSAB requires at least the three statutory partners and three other organisations to attend Board meetings in order to be quorate. No decisions can be made without the meeting being quorate.

The Independent Chair will manage the consideration of reports and highlight any further action, outputs or outcomes required by the Board.

The Independent Chair will, wherever possible, seek consensus on business matters under consideration at or outside of Board meetings. If that is not possible the decision will be taken by a simple majority of voting members present. In cases where there is an equal number of votes, the Chair will have a second or casting vote.

The BHSAB Business Manager will be responsible for agreeing the agenda for Board meetings, in consultation with the Independent Chair and Leadership Group members, and for servicing the business of BHSAB, normally attending all meetings.

The BHSAB Administrator will provide additional support and will normally attend and minute meetings. The minutes of the full board meetings will be entered as a permanent record and submitted for approval at the next meeting.

## **6. Board Members**

Organisations must designate named individuals as their representative on the BHSAB so that there is consistency and continuity in the membership of the Board. Members are required to nominate a suitable alternative representative in the event of them being unable to attend a meeting.

Members should be from all key agencies or major service areas, and at as senior a level as possible. The representative should hold a strategic position within their organisation with respect to safeguarding and promoting the welfare of adults. Board members and any suitable alternative representative must be:

- experienced in the work of their organisation;
- able to promote the aims of the SAB;
- understand pressures facing frontline practitioners;
- able to speak with authority on behalf and within their organisations;
- hold their organisations to account; and
- commit their organisation on policy and practice and to agreed actions, including those with financial implications.

Members have a duty to contribute effectively to the work of the BHSAB and its subgroups. This will include having read any relevant documents or information supplied beforehand, identified key lines of enquiry and/or discussion, and established their organisational position as necessary.

Members will be responsible for cascading information about the activity of the BHSAB as well as local and national safeguarding updates and developments within their own agency.

The following will be represented at the BHSAB as member organisations:

- BHCC Health & Adult Social Care (HASC)
- NHS Sussex
- Sussex Police
- Brighton and Hove Healthwatch
- Sussex Community NHS Foundation Trust
- Sussex Partnership NHS Foundation Trust
- University Hospitals Sussex NHS Trust
- BHCC Housing
- East Sussex Fire and Rescue Service
- BHCC Community Safety Partnership
- SECAMB
- Third Sector & Community & Voluntary Organisations Representative
- National Probation Service
- Lay Member Representation

Member organisations will be required to support their BHSAB representative in carrying out their responsibilities as a Board member. This will include providing dedicated time to fulfil their role, supporting them in developing a safeguarding accountability framework for their organisation, ensuring that safeguarding underpins all their activities with adults and that, in the case of the statutory partners, a recurrent and sufficient financial contribution is made to support the work of the BHSAB.

At the discretion of the Chair others, such as advising officers and observers, can attend Board meetings. They and observers may, at the discretion of the Chair, address meetings but are not members of the Board and cannot vote.

## **7. Leadership Group and Subgroups**

The full role and functions of the BHSAB Leadership Group and the subgroups will be documented within the Terms of Reference for each group. These Terms of Reference will include the purpose, function, membership, meeting frequency and form, decision-making, escalation and accountability processes for each group.

Together the BHSAB Leadership Group and the subgroups will undertake the following responsibilities, devolved to them by the Board while acknowledging BHSAB's Vision, Mission and Values (as set out in Section 2) throughout their work:

The Leadership Group will be chaired by the Independent Chair of the BHSAB and the members will be senior officers from the three statutory partners, the subgroup Chairs, and will include a representative from the Independent sector.

- Representatives from member organisations of the BHSAB will be appointed as Chairs and Vice-Chairs for each of the subgroups with responsibility for the functioning and co-ordination of each subgroup. They will report directly to the Leadership Group and the full board on their work plans, progress, achievements and challenges.

- Member organisations of the BHSAB will nominate professionals from their organisation with the relevant knowledge, skills and delegated responsibility to be members of the **Quality Assurance, Learning and Development**, and **Safeguarding Adults Review (SAR)** subgroups. They will be expected to act on behalf of their organisations and have sufficient authority to make decisions and be able to allocate resources.
- The subgroups will develop and progress annual work plans to take forward assigned action areas within the BHSAB Strategic Plan.
- The subgroups will develop and approve policies and procedures, including those produced by any 'task and finish' groups, and carry out any other tasks as required by the BHSAB.
- Additional subgroups, practice improvement groups and task and finish groups may be set up to assist it in the conduct of BHSAB business. BHSAB or groups to which they are accountable will decide the chairperson of the groups. That group will determine the remit and composition of the subgroup.

The quorum for a meeting of a subgroup shall be one third of its membership (where the membership is not divisible by 3 the number shall be rounded up) provided that at least three individual organisations are represented.

In the event a subgroup member is unable to attend any particular meeting of that subgroup, a substitute may attend in their absence.

In the event a subgroup member misses two of the previous three meetings without ensuring an appropriate deputy is able to attend, the BHSAB Independent Chair, on behalf of the BHSAB, may write to that member to remind them of their obligation to attend meetings. If non-attendance continues, the Chair will write to the senior officer of that agency requiring a permanent replacement.

In the event members of a subgroup are unable to achieve consensus in making a decision the matter will be decided by a simple majority of members present. In the event of a tie the person acting as chair of the meeting will have a second and casting vote.

The Practitioners Alliance for Safeguarding Adults (PASA) and the Sussex Safeguarding Adults Policy and Procedures Group are not formal subgroups of the BHSAB. The Business Manager of the BHSAB's role will include membership of both these groups to ensure clear communication lines between the BHSAB, pan-Sussex SAB partners and the community and voluntary sector.

## **8. Data Protection, Confidentiality and Freedom of Information**

All members will ensure that their General Data Protection Regulation (GDPR) registration, when appropriate, covers their involvement in the activities of the BHSAB.

All members will adhere to the provisions of the General Data Protection Regulation (GDPR) and all other legal provisions relating to confidentiality and data security and maintain confidentiality at all times, other than where a specific exemption under that Act or other legal provision applies. This principle will apply during a member's participation in BHSAB and will continue after the individual is no longer a member or following the BHSAB's dissolution.



Any member who has access to confidential information or data knowingly breaches the law relating to particularly, but not limited to, the unauthorised disclosure of confidential information, they may be personally liable. This applies to all members of the Board, its subgroup members and any person who comes into possession of confidential information in their dealings with BHSAB.

The BHSAB will review and update their pan-Sussex SAB Information Sharing Guide in relation to Confidentiality and Data Protection which is binding on its members, consultants and staff.

Members of the BHSAB will make appropriate arrangements to ensure that the provisions of the Freedom of Information Act 2000 are properly complied with.

## **9. Financing and Staffing**

To support the work of the BHSAB a Board Support Team will be maintained, funded by contributions from the statutory partners and other partner agencies.

Contributions will relate to the size, financial capacity and statutory duties of each organisation so that contributions are more equitable and relative to organisational responsibilities and duties. These contributions will be committed into a pooled budget.

The budget must be sufficient to;

- drive forward the day-to-day business of the BHSAB including the monitoring and evaluation of its work.
- take forward learning and development activities
- cover employment costs (Business Manager, Board Support Officer, Administrator)
- fund any other purposes approved

Member organisations of the BHSAB are also expected to consider what other forms of assistance they can provide in supporting the Board in its work. This might be through providing administrative help, premises for meetings or holding training sessions. It is in all partners' interests to have an effective Board that is resourced adequately to carry out its functions.

The Business Manager will act as budget holder for the BHSAB and, in consultation with the Chair, will prepare budget documents. This will include details on all the items and projects proposed by BHSAB and its subgroups that will require funding.

At the end of the financial year, subject to partner agreement and subject to available unspent balances held, any deficit will be met from unspent balances or from additional partner contributions. Any year end underspends will be requested as carry forwards as unspent balances.

## **10. Dispute Resolution**

If there is a dispute between Board members dispute resolution procedures will be followed. Within 28 days of the Board determining that a dispute exists the Independent Chair of the

BHSAB, in consultation with the Executive Director of Health and Adult Social Care, will convene a joint meeting of the parties in dispute. This should take place as soon as reasonably practicable, but within a timescale of three months. In most cases the Independent Chair will chair this 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 agreeing the issues that separate them and possible ways forward.

Where there is no agreement, either party may suggest to the Char 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 Chair, in consultation and agreement with the Director of Adult Social Care may refer the dispute to a Chartered Institute for Arbitration to be resolved.

If there is a dispute between a BHSAB member and the Independent Chair similar dispute resolution procedures will be followed. The Executive Director of Health and Adult Social Care will convene a joint meeting of the parties in dispute within the same timescales and with the same aims as above.

Where there is no agreement, either party may suggest to the Executive Director of Health and Adult Social Care than an independent mediator be appointed. If the partners cannot agree within 28 days the Executive Director of Health and Adult Social Care, in consultation with the Chief Executive, may refer the dispute to the Chartered Institute for Arbitrators to be resolved.

## **11. Conflict of Interests**

Members are required to declare any interest or potential conflict of interest that arises or may be perceived to arise in the course of conducting Board business. They should declare this at the start of Board meetings. Board members who have declared an interest will be able to participate in the meeting at the discretion of the Chair.

## **12. Complaints**

The BHSAB is an administrative function of the local authority, as such complaints about the actions or decisions of the BHSAB should be made through the Local Authority's complaints procedures.

If a complainant remains unsatisfied having exhausted the Local Authority's complaint procedure, they have recourse to take their complaint to the Local Government Ombudsman, who has jurisdiction to investigate complaints made about SABs. This includes considering the actions of board members who are not employed by the Local Authority.

## **13. Equalities and Diversity**

The BHSAB recognises the importance of equality and diversity and will work to ensure fair treatment and equality of opportunity and access to services. Information on safeguarding will information on protected characteristics, subject to availability, as appropriate. Equality impact

assessments will be undertaken in the formulation of policies and procedures and the impact of safeguarding work on equalities will be monitored

#### **14. Constitution Review**

This Constitution may be amended by the Board. Any member may request an amendment to the Constitution by writing to the Independent Chair setting out the desired amendment and reasons for the request.