



“To work in partnership, preventing abuse and ensuring excellent practice and timely responses to the safety and protection of individuals or groups within our communities”

Constitution of the Thurrock Safeguarding Adult Board

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1. Introduction

1.1. This is the constitution of Thurrock's statutory Safeguarding Adult Board (SAB) known locally as Thurrock Safeguarding Adult Board, herein referred to as the TSAB or the Board.

1.2. It establishes the terms on which the TSAB shall discharge its statutory obligations as established in Sections 42–45, and Schedule II of the Care Act 2014, and chapter 14 of the accompanying Statutory Guidance.

1.3. Each member of the partnership, by signing this Constitution, shall to and work in accordance with the terms set out in this Constitution and in accordance with any TSAB Memorandum of Understanding (MoU). Variation or termination of this Constitution is subject to prior agreement by the TSAB. The first TSAB meeting of each financial year will review the Constitution.

1.4. This Constitution provides the basis for the governance of the TSAB, by setting out the Board's structure and key governance systems to discharge its core duties and underlying responsibilities. The Constitution is published on the Thurrock Safeguarding Adult Board website.

1.5. The TSAB will seek to achieve its objectives is by co-ordinating and ensuring the effectiveness of the activities of its members. The TSAB may undertake any reasonable measures which appear necessary or desirable for the purpose of achieving its objective.

1.6. The Care Act 2014 stipulates that each Local Authority must establish a Safeguarding Adult Board (SAB) for its area. The objective of a SAB is to help and protect adults at risk in its area. Adults at risk include those:

- aged 18 or above
- who have care and/or support needs (whether or not the local authority is meeting any of those needs)
- who, as a result of these needs are unable to protect themselves against abuse or neglect, or the risk of it

1.7. In 2013 the Government published the six guiding principles for adult safeguarding. Thurrock's SAB will use the principles to measure existing adult safeguarding arrangements and future improvements.

- Empowerment - Presumption of person led decisions and informed consent.
- Prevention - It is better to take action before harm occurs.
- Proportionality - Proportionate and least intrusive response appropriate to the risk presented.
- Protection - Support and representation for those in greatest need.

- Partnership - Local solutions through services working with their communities. Communities have a part to play in preventing, detecting and reporting neglect and abuse.
- Accountability - Accountability and transparency in delivering safeguarding. Focusing on outcomes for people and communities and being open about their delivery.

1.8. The geographical area covered by the TSAB is coterminous with that of Thurrock Borough Council.

2. TSAB Vision and Aim

2.1. The Vision of the TSAB is that people are able to live a life free from harm, where the community has a culture that does not tolerate abuse, works together to prevent abuse and knows what to do when abuse happens.

2.2. The aim of the TSAB is to ensure the effective co-ordination and delivery of services to safeguard and promote the welfare of at-risk adults in accordance with the Care Act 2014 and the accompanying Statutory Guidance.

2.3. To achieve this aim, the TSAB will work with partners and local communities to:

- Prevent abuse and neglect from happening
- Identify and report abuse and neglect
- Respond to any abuse and neglect that is occurring
- Support people who have suffered abuse or neglect to recover and to regain trust in those around them
- Raise awareness of safeguarding adults and the role everyone can play in responding to, and preventing, abuse and neglect

3. Statutory duties of a Safeguarding Adult Board

3.1. There are three statutory duties for a Safeguarding Adult Board. The first is to publish a Strategic Plan for each financial year that sets how it will meet its objectives, and what members will do to achieve this. The Plan must be developed with local community involvement, including consultation with the local Healthwatch organisation. In order to maximise its effectiveness, the Plan should make use of all available evidence and intelligence from partners.

3.2. The second is to publish an Annual Report detailing what the TSAB has done during the year to achieve its objectives and implement its Strategic Plan, including the contributions of each member.

3.3. The third is to arrange Safeguarding Adult Reviews (SARs) in accordance with Section 44 of the Act. The Board will have in place an agreed policy for decision

making on SARs, the findings of which, including any subsequent action, will be detailed in the Annual Report.

3.4. The SAB must send a copy of its Annual Report to:

- The Chief Executive and the Leader of the Local Authority which established the SAB
- The local policing body, the whole or part of whose area is in the Local Authority's area
- The local Healthwatch organisation for the Local Authority's area
- The chair of the Health and Wellbeing Board for that area
- The Accountable Officer for the local Integrated Care Board (ICB)

4. Role of the Board and its members

4.1. The statutory guidance accompanying the Care Act 2014 states the TSAB has a strategic role that is greater than the sum of the operational duties of the core partners. It 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. The TSAB will need intelligence on safeguarding in all providers of health and social care in its locality (not just those with whom its members commission or contract). It is important that the TSAB partners feel able to challenge each other and other organisations where it believes that their actions or inactions are increasing the risk of abuse or neglect. This will include commissioners, as well as providers of services.

4.2. TSAB is accountable for its core duties. In discharging its core duties, or otherwise working to fulfil its objectives, it may grant authority to act on its behalf to:

- Any of its member organisations
- A named partner member
- One of its sub-groups
- An external Provider

4.3. The TSAB can be an important source of advice and assistance, for example in helping others improve their safeguarding mechanisms. It is important that the TSAB has effective links with other key partnerships in the locality and share relevant information and work plans.

4.4. The TSAB will work closely with the following Boards:

- Health and Wellbeing Board
- Thurrock Community Safety Partnership

- Local Safeguarding Children Partnership
- Southend and Essex Safeguarding Adult Boards.

4.5. The TSAB will:

- Analyse safeguarding data to identify the prevalence of abuse and neglect locally, including longer-term trend analysis.
- Develop preventative strategies that aim to reduce instances of abuse and neglect in its area, including dealing with the impact of issues of race, ethnicity, religion, gender, gender orientation, sexual orientation, age, disadvantage and disability on abuse and neglect.
- Develop policies and strategies for protecting adults which take account of the views of adults who have needs for care and support, their families, advocates and carer representatives.
- Hold partners to account and gain assurance of the effectiveness of their arrangements.
- Undertake peer reviews and self-audit.
- Formulate guidance for dealing with complaints, grievances and professional and administrative malpractice in relation to safeguarding adults.
- 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 and impact of policy and training.
- Carry out Safeguarding Adult Reviews and determine any publication arrangements.
- Produce 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 some training with other partnerships, such as the Community Safety Partnership.

4.6. TSAB will employ staff to undertake the work of the Board. This will include a Board Manager and necessary administrative support. The Board Manager will work closely with the chair and core partners to take forward the work of the Board. The Board Manager should attend all TSAB meetings.

4.7. Failure to share information, particularly among and within statutory agencies, is most often cited as a significant contributory factor in retrospective reviews of deaths and other serious incidents involving adults at risk. The TSAB fully supports the appropriate and legal sharing of information where the purpose in doing so is to prevent harm or abuse occurring.

5. Board membership

5.1. Schedule 2 of the Care Act 2014 states that the core members of a Safeguarding Adult Board are:

- The Local Authority that established it
- The ICB for the area
- The Chief Officer of Police for the area.

5.2. Each partner organisation of the TSAB must appoint a person to represent it on the TSAB; and the representative must be a person who the partner considers to have the required skills and experience. It is important that members of the Board have the requisite skills and experience necessary for it to act effectively and efficiently to safeguard adults in its area.

5.3. Additional membership of the TSAB is at the discretion of the Local Authority that established it and the core statutory partners.

5.4. Where more one person from an organisation is required to be TSAB members, a person may represent more than department within their organization.

5.5. Membership of TSAB will change over time and the Local Authority, after consultation with the other core partners listed above, will invite individuals, organisations or agencies to become members of the Board on the basis of their interest in, and ability and willingness to contribute to, the aims and objectives of the TSAB. The TSAB may wish to invite additional partners to some meetings depending on the specific focus or to participate in its work more generally.

5.6. Chairs of TSAB sub-groups and time limited task and finish groups will become full members for the duration of that role.

5.7. The TSAB Manager will maintain the membership list for TSAB, membership will be reviewed annually.

5.8. Members of the TSAB are expected to consider what assistance they can provide in supporting the Board in its work. It is in all core partners' interests to have an effective TSAB that is resourced adequately to carry out its functions.

6. Monitoring Board attendance

6.1. It is expected that if a nominated representative of a Board member cannot attend, a nominated deputy may attend in their place, but may not do so for more than two consecutive meetings without review of the representative nominated by the member organisation.

6.2. Lack of attendance at Board meetings is seen as damaging to the strategic development of inter-organisation arrangements for safeguarding adults. Where neither the nominated representative nor their deputy attends for two or more meetings, this fact will be drawn to the attention of the executive body of the relevant organisation, by the Chair of the Board.

7. Board chair and vice-chair

7.1. Although not a legal requirement, the local authority will appoint an Independent Chair to the TSAB who is not an employee or a member of an organisation that is a member of the TSAB. The Independent Chair will be appointed by the Local Authority, in consultation with the core TSAB members, and will be accountable to the Chief Executive of the Local Authority.

7.2. The Chair has a critical role to lead collaboratively, give advice, support and encouragement but also to offer constructive challenge and hold main partner agencies to account, and ensure that interfaces with other strategic functions are effective whilst also acting as a spokesperson for the TSAB.

7.3. There is a clear expectation that chairs will keep up to date with, and promote, good practice, developments in case law and research and any other relevant material.

7.4. The Chair's tenure will be for an initial period of 2 years with an annually renewable contract subject to six months' notice by either party. The terms of employment and job description for an Independent Chair will be set by the Local Authority in consultation with the local ICB and the Chief Officer of Police for the area.

7.5. A vice-chair will be appointed from the membership of the TSAB.

8. TSAB and its sub-groups

8.1. The structure of the Board and its Committees together with their terms of reference is set out in Appendix 1 and 2.

8.2. The TSAB and each of its sub-groups shall maintain a terms of reference (appendix 2). Each term of reference will include the following information:

- Purpose
- Objectives
- Membership – including Chair, Vice-Chair and nominating deputies
- Accountability
- Administrative support
- Quorum
- Frequency of meetings

- Terms of Reference review date.

8.3. The Board will work to the financial year for the purposes of planning and the production of its Annual Report and Strategic Plan. The Board will schedule four meetings in a year. Extra meetings may be held if deemed necessary.

8.4. To be quorate, the Board must have a minimum of six members present, including two of the three core member agencies in addition to four members from separate agencies.

8.5. The Board will always seek to operate on a consensus basis. If it is not possible to reach a consensus, members will be required to undertake a formal vote on a simple majority basis of members who are present and are entitled to vote. Each member in attendance will have a single vote. In the event of a tied vote the chair will have the casting vote.

8.6. The Chair will have the final ruling, during meetings, should it be necessary to interpret, or otherwise determine, the order, relevancy, regularity, or meaning of the Constitution, or other of TSABs governing documents, policies, or procedures, or other documents.

8.7. The Chair may, at their absolute discretion, invite such persons as they think should attend the whole or any part of a Board meeting, or any of its sub-group meetings. Observers shall not be permitted to vote.

8.8. The TSAB may create sub-groups to deliver specific work streams as deemed necessary by the needs of the TSAB's Strategic Plan or as issues arise. Task and finish groups will be formed as and when required to deliver the objectives of the TSAB strategic plan, the Board may set up task and finish groups.

8.9. The Chair of a TSAB sub-group should be of sufficient seniority to make strategic decisions and commit resources on behalf of their organisation. The Chair will automatically become a member of the Board, for the duration of their role.

8.10. Each sub-group will report to the TSAB.

9. Agenda and minute papers

9.1. The TSAB Manager, in consultation with the Chair, is responsible for preparing and circulating agenda papers in good time.

9.2. The TSAB Manager is responsible for recording and drafting all meeting minutes. Draft minutes will be sent to the meeting Chair for approval. Finalised minutes shall be circulated in good time to TSAB members and, at the discretion of

the TSAB Manager, to other interested parties.

9.3. Minutes will be approved, and recorded as such, at subsequent meetings.

9.4. The Chair may determine items that need to be discussed in closed session. Minutes of matters discussed in closed session will be maintained confidentially as 'Part II' minutes and will not be a matter of public record. Such minutes may be subject to audit or review by other parties deemed to be appropriate by the Chair.

9.5. Minutes of sub-groups should be presented to the TSAB's operational group for formal noting and reported by exception to the Board.

9.6. Minutes should be retained for a period of seven years. There is no requirement to retain agenda papers.

10. Transparency and accountability

10.1. The TSAB is committed to transparency and will, at the discretion of the Chair, having exercised due caution regarding data protection, obligations, and other similar legal considerations, publish Board minutes, reports and key performance data.

10.2. In addition to this the TSAB will demonstrate its accountability to Thurrock residents and to its members in a number of ways, including by:

- Publishing its constitution
- Upholding and promoting its values
- Consulting on and publishing a Strategic Plan
- Compiling an annual account of financial expenditure, which is itself underpinned by appropriately detailed financial records
- Complying with reasonable requests for information from partner agencies
- Publishing, wherever appropriate, its key policies
- Responding to all reasonable information requests in a timely manner
- Ensuring that other good governance practices, such as the handling of conflicts of interest, are employed
- Consulting Healthwatch, the User Led Organisation, users of safeguarding services, their families and carers
- In taking such steps, TSAB will also facilitate stakeholder understanding and awareness of its priorities.

10.3. The TSAB and its members will co-operate with any reasonable request by the Local Authority in respect of its Overview and Scrutiny functions under Section 21 Local Government Act 2000.

11. Legal advice

11.1. If there is a requirement for the Board to receive legal advice in the pursuance of the statutory duties of the TSAB, that advice will be provided by the Adult Social Care Solicitor appointed by Thurrock Borough Council.

12. Freedom of information

12.1. Safeguarding Adult Boards are not defined as Public Authorities for the purposes of the Freedom of Information Act 2000 and are not subject to rights of access to information.

13. Conflict of interest

13.1. A conflict of interest arises where the commitments and obligations of a Board member to TSAB are likely to be comprised or may appear to be comprised by that member's personal gain or gain to their organisation (whether financial or otherwise). This conflict could arise owing to the commitments and obligations that the member owes to another person or body.

13.2. Board 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, including the nature of the conflict of that interest.

13.3. The Chair will ensure that the Board member concerned has no decision making or subsequent involvement that would be deemed prejudicial or favourable in relation to the specified interest.

13.4. The conflict of interest will be recorded within the minutes for that meeting.

14. Non-compliance of activities

14.1. The work of the TSAB will be set out in the Strategic Plan. In endorsing the Strategic Plan, all member agencies will be agreeing their commitment to fulfil their obligation to safeguard and promote the welfare of adults. This will include a commitment to fulfilling their role within the TSAB.

14.2. Issues of non-compliance will in the first instance be referred to the Chair of the TSAB who will investigate and attempt to reach satisfactory resolution through discussion with the representative of the agency concerned. In the event of satisfactory resolution not being reached, the matter will be referred back to the Chief Officer or Chief Executive within the agency concerned and the Chair will have the right to advise the relevant inspectorate, and, if necessary, the relevant government department. Any decision to take this latter course of action will be discussed with the Local Authority Chief Executive before being actioned by the Chair.

15. Disputes

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

15.2. If there is a dispute between Board members, the Independent Chair and Director of Adult Social Services 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 TSAB will chair these meetings. The agenda will be agreed jointly by the parties in dispute.

15.3. If no agreement can be reached, either party to the dispute may suggest to the Chair that an independent mediator be appointed in a further attempt to resolve the dispute. If parties are not in agreement with this and no resolution has been identified within 28 days, then the Chair may refer the dispute to a member of the Chartered Institute for Arbitrators to be resolved.

15.4. If there is a dispute between the Independent Chair and a TSAB partner or any other Board, a similar process will be followed. The Director of Adult Social Services will convene a joint meeting of the parties as above. If no agreement can be reached, either party to the dispute may suggest that an independent mediator be appointed in a further attempt to resolve the dispute. If parties are not in agreement with this and no resolution has been identified within 28 days, then the Director of Adult Services may refer the dispute to a member of the Chartered Institute for Arbitrators to be resolved.

16. Complaints

16.1. The SAB is an administrative function of the Local Authority, as such complaints about the actions or decisions of the SAB should be made through the Local Authority's complaints procedure.

16.2. 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.

17. Finance

17.1. The core members of the TSAB will contribute the financial resource to enable the Board to fulfil its main duties.

17.2. It is also acceptable for any member organisation of the TSAB to make payments towards expenditure incurred by the TSAB in its activities to deliver its aim and Strategic Plan. They may also provide staff, goods, services, accommodation, or other resources for purposes connected with the TSAB.

17.3. It is the responsibility of the Leadership Executive Group to secure adequate funding for the TSAB to carry out its functions.

17.4. The TSAB shall have the authority to engage, employ or appoint any consultant, or private contractor, required in order to facilitate the performance of its duties. Any financial expenditure incurred will be incurred in accordance with agreed financial policies.

17.5. The financial policies followed by the TSAB, including the procurement of services, shall be those of Thurrock Borough Council. The TSAB Manager will manage and be accountable for the budget of the TSAB and will provide a report to each Board meeting.

17.6. Board members will agree the spend of the TSAB budget in line with the action plan that accompanies the Strategic Plan, and in line with Thurrock Borough Council finance procedures. Any deviation from the agreed spend, or projected underspend/carry forward will be brought to the Board's attention for their approval and ring-fenced for the sole benefit of the TSAB.

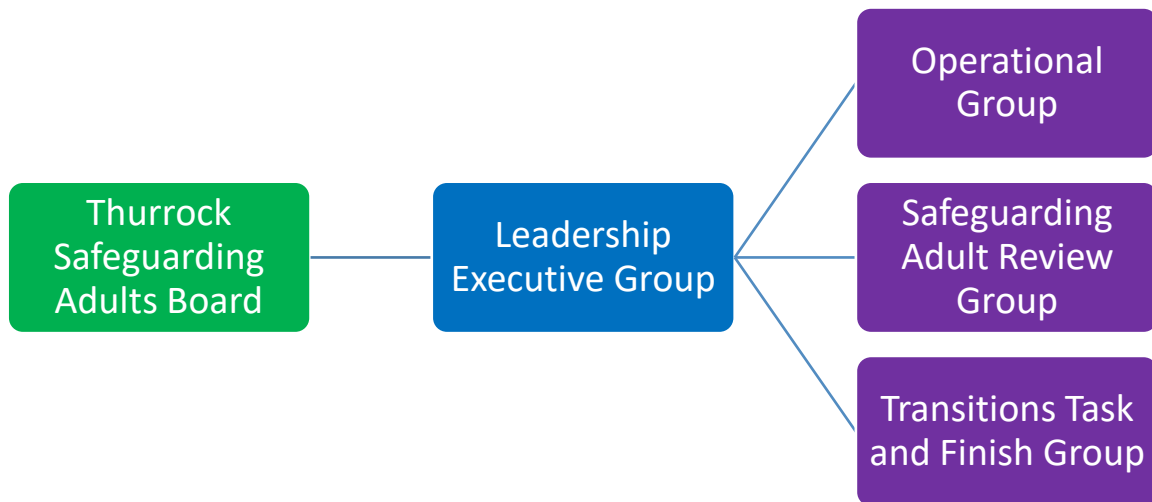
18. Equality and inclusion

18.1. The Board values the benefits of diversity and works to ensure fair treatment and equality of opportunity and access to services. Equality impact assessments will be undertaken in the formulation of policies and procedures and the impact of safeguarding work on equalities will be monitored.

18.2. The Board values the views of citizens who have experienced or witnessed abuse and promotes the inclusion of adults at risk of abuse or neglect in the formulation of their own safeguarding arrangements, with support where required.

18.3. Where the TSAB engages with the community, it will attempt to provide appropriate formats and services to engage all communities.

Appendix 1 – Structure of TSAB



Appendix 2 – Terms of reference

The Terms of reference for all groups can be found on the website - <https://www.thurrocksab.org.uk/what-we-do/work-of-thurrock-sab/>