

NORTH LINCOLNSHIRE COUNCIL

PEOPLE CABINET MEMBER

INDEPENDENT CHAIR OF THE SAFEGUARDING ADULTS BOARD

1. OBJECT AND BRIEF SUMMARY OF SUBJECT

- 1.1. To seek approval for the development of an Independent Chair of the Safeguarding Adults Board

2. Background Information

- 2.1 Following a number of serious incidents involving the abuse of vulnerable adults, the Department of Health consulted with councils and pressure groups and subsequently issued policy guidance on the protection of vulnerable adults, No Secrets, which was launched in 2000, under section 7 of the Local Authority Social Services Act 1971. This created a duty for the council to take the lead role in relation to the safe guarding of vulnerable adults.
- 2.2 A vulnerable adult is a person aged 18 or over “who is or may be in need of community services by reason of mental or other disability, age or illness; and who is or may be unable to take care of him or herself against significant harm or exploitation”
- 2.3 No Secrets reinforced the duty to work in partnership to ensure that systems and services protect vulnerable people from abuse. (as advocated in the Health Act 1999) In addition Local Authorities are required to play a co-ordinating role in developing the local policies and procedures for the protection of vulnerable adults from abuse.
- 2.4 The Association of Directors of Adults Social Services (ADASS) published “A National Framework of Standards for good practice and outcomes in Adult Protection Work” – ADASS 2005. This identified that best practice for the delivery of the safeguarding agenda is a multi-agency partnership. As a result the Local authority established the Safeguarding Adult Board in October 2006.
- 2.5 The Safeguarding Adult Board (SAB) is a multi agency partnership with representation from the police, fire service, hospitals, mental health services, Primary Care Trust, ambulance service, probation service, care homes, home care agencies, Care Quality Commission (CQC), elected members, voluntary sector and housing providers. These agencies are required to work together as advocated in the Health Act 1999.

- 2.6 The board is there to ensure the safety of vulnerable adults by integrating strategies, policies and services relevant to abuse within the framework of the NHS and Community Care Act 1990, the Mental Health Act 1983, the Public Interest Disclosure Act 1998 and the Registered Homes Act 1984 (the provisions of which will be extended by the Care standards bill)
- 2.7 Specifically the role includes to ensure that when the right to an independent lifestyle and choice is at risk the individual concerned receives appropriate help, including advice, protection and support from relevant agencies; and ensure that the law and statutory requirements are known and used appropriately so that vulnerable adults receive the protection of the law and access to the judicial process
- 2.8 SAB has also developed a local strategy to reduce the risk of abuse occurring through a range of training, awareness and other preventative measures. The strategy identifies development priorities for safeguarding vulnerable adults each year and monitors and reports the impact to the Council governance structure.
- 2.9 The board monitors the duty of care placed on Councils by the Mental Capacity Act that requires the Council to be a supervisory body for the deprivation of liberty assessments.
- 2.10 The role of Chair has historically been undertaken by the Director of Adult Social Services, although this can create a potential conflict of interest as Adult Social Services effectively ends up providing their own scrutiny of adult protection. Some councils have created the post of independent chair to provide objectivity and challenge and to remove this conflict.
- 2.11 The model advocated is closely aligned with that of the Local Safeguarding Children Board. Historically LSCB's were chaired by Directors of Children's Services, however the Serious Case Review into Baby Peter identified the challenges inherent in this arrangement. National Research undertaken on LSCB's identified the benefits of having an independent chair in that having someone outside of the agencies involved in the Board facilitated more effective challenge and scrutiny.
- 2.12 The benefits of an independent chair are noted in the OFSTED inspection of the LSCB "The LSCB fulfils its statutory functions well and provides effective leadership for the targeted and wider safeguarding agenda. Good arrangements are in place for leadership of the LSCB with an independent chair and a broad multi-agency representation from local agencies. The inclusion of lay members brings valuable additional challenge and scrutiny." – OFSTED June 2012
- 2.13 Within the safeguarding arena the role of the chair on the board is crucial in holding agencies to account for their arrangements to safeguard vulnerable adults. An independent chair also facilitates a shared responsibility and accountability for safeguarding adults as it is not seen as just the role of the Director within the LA.

2.14 The safeguarding of vulnerable adults is one of the four domains that the Care Quality Commission (CQC) uses to assess the performance of Adult Social Services. The outcome measures are:

- Everyone enjoys physical safety and feels secure
- People are free from physical and emotional abuse, neglect and self harm
- People are protected as far as possible from avoidable harm, disease and injuries
- People are supported to plan ahead and have the freedom to manage risks the way they wish

Adult Social Services are not able to deliver all these cross cutting outcomes in isolation, a strong effective SAB will enable these outcomes to be delivered.

3. **Options for consideration**

3.1 Option 1 - Approve the development of an independent chair of the Safeguarding Adult Boards .

3.2 Option 2 – Continue with the role being the responsibility of the Director of Adult Services, encompassed within the Director of People.

4. **Analysis of options**

4.1 Option 1 – Approve the development of an Independent Chair

4.2 This option will create a board with a higher degree of independence from the council and improve scrutiny of our own delivery of the safeguarding agenda. This option will release the capacity of the Director of People, to focus on the internal role of the local authority. The chair will initially be for 2 years and subject to 6 monthly reviews. The person is required to work approximately 2 days per month, although this will be flexibly to accommodate the board functions and other external factors. The post holder will be self employed under a contract to the council, although the normal recruitment selection processes will be followed.

4.3 The full details of the role are still being established but currently identified core elements are:

- Oversee the development and implementation of the overall strategy and annual business plans and to ensure that this reflects learning from investigations and any Serious Case Reviews and other areas of work.
- Ensure that performance management is integrated into the role and function of the Board and its sub-groups to deliver improved outcomes for adults at risk of harm or abuse and their carers.
- To ensure that the Board operates independently of its member agencies.
- Oversee the performance management of the Board's work plan and ensure that the plan maintains a clear focus on outcomes.
- To promote the Board's ability to independently fulfil statutory objectives of monitoring, challenging and scrutinising the effectiveness of inter-agency adult safeguarding work.

- 4.4 The requirement for independence from local statutory and non statutory organisations, combined with an executive level of knowledge of social care will limit the possible field suitable individuals, and probably exclude who has worked in the local area
- 4.5 Option 2 – The chairing of the Safeguarding Adults Board is incorporated in the role of Director of People.

The work of the safeguarding board will be maintained but without independent scrutiny.

5. **Resource Implementations (Finance, Staffing, Property)**

5.1 Finance

The financial impact of the post will not exceed £8,400. The Partnership funding will be utilised for this purpose.

5.2 I.T. Implications

None

5.3 Staffing implications

The job description for the post and an advert have been prepared. The post does not form a permanent contractual arrangement with the council. The successful candidate will be self employed under a contract to the council, although the normal recruitment selection processes will be followed.

5.4 Property Implications

None

6. **Other implications**

6.1 Statutory Implications

The council fulfils its statutory duties by leading and co-ordinating adult protection policy, procedures and practice through the Safeguarding Adults Board.

6.2 Environmental implications

None

6.3 Diversity implications

None

6.4 Section 17 – Crime and Disorder implications

None

6.5 Risk and other implications

The absence of an independent chair increases the risk of poor delivery of the Safeguarding Adults Agenda and poor performance as measured by CQC

7 Outcomes of consultation

7.2 None

8 Recommendations

8.1 The Cabinet Member approves the development of the Independent chair of Safeguarding Adults Board.

DIRECTOR OF PEOPLE

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Background Papers used in the preparation of this report: None