




Executive Decision Report

Decision maker(s) at each authority and date of Cabinet meeting, Cabinet Member meeting or (in the case of individual Cabinet Member decisions) the earliest date the decision will be taken	Date of Cabinet Decision: 4 th March 2013	
	Date of Cabinet decision : 28 th March 2013	
	Date of Cabinet decision: 25 th February 2013	
Report title (decision subject)	Consideration of the Findings and Recommendations of the Consultation, and Agreement on the Governance Arrangements for Adult Safeguarding across Tri-borough	
Reporting officer	<i>Andrew Webster Helen Banham</i>	
Key decision	Yes	
Access to information classification	Public	

1. EXECUTIVE SUMMARY

- 1.1 The White Paper *Care for our Future* and the draft Care and Support Bill confirm the government's intention to legislate to require local authorities to convene statutory Safeguarding Adults Boards with core membership from the police and NHS organisations, in order to ensure that all agencies work together to prevent abuse of adults at risk, such as that exposed at Winterbourne View.
- 1.2 A review of the governance arrangements for Adult Safeguarding in the three boroughs was carried out in the autumn in the form of a consultation with stakeholder organisations represented on the existing Safeguarding Adults Boards. The consultation sought people's views on arrangements which would ensure that the three local authorities are well-placed, individually and together, to implement national requirements in relation to adults at risk of harm.

2 RECOMMENDATIONS

- 2.1 That a single Safeguarding Adults Executive Board be set up across the three boroughs, with an Independent Chair and designated administrative support (Option C in Appendix 1). This mirrors the arrangements for the Safeguarding Children's Board. Membership of this Board would be drawn from senior representatives of statutory agencies.
- 2.2 That a suitably qualified independent chair be recruited through external advertisement as soon as the proposal is accepted, who will report to the Tri-borough Executive Director of Adult Social Care and that the arrangement for the appointment be delegated to the Strategic Director in consultation with the Cabinet Members.
- 2.3 That the approach of work-streams operating across the three boroughs: 'Developing Best Practice'; raising public awareness through 'Community Engagement'; and 'Measuring Effectiveness'/Quality Assurance be endorsed so that the work can continue to progress and be consolidated (Option C in Appendix 1).
- 2.4 That the value of Partnership groups in each of the boroughs be decided by agencies represented on the existing Boards based on the level of resource they are willing to commit to these, in addition to contributing to the work-streams of the Executive Board (some consideration given to Option A in Appendix 1).

3. REASONS FOR DECISION

- 3.1 The advent of Tri-borough working on 1st April 2012 provided an opportunity to review the governance arrangements for Safeguarding adults at risk, across the three boroughs. The challenge was to reduce duplication of effort and cost where there was common purpose and shared outcomes, whilst retaining local focus and agency commitment to working together to protect adults at risk.
- 3.2 The arrangements prior to 1st April 2012 of an Executive Board, two Boards, a Partnership Group and sub-groups, all meeting quarterly (a total of 49 meetings a year) was not sustainable, and in reality, some of the sub-groups did not meet regularly with some loss of assurance in some areas of the work. A more achievable target would be one key meeting a month.
- 3.3 The learning from Children's Safeguarding is that merged work-streams and the 'task and finish' approach (as used to good effect in the multi-agency review of the local implications of Winterbourne View in October and November 2012), provides new opportunities for sharing knowledge and best practice, and new focus and renewed vigour for the work of protecting vulnerable children and adults at risk.
- 3.4 The single Executive Board for Adult Safeguarding would, as with the Children's Board, provide strong strategic leadership; attract representatives from organisations of sufficient seniority to understand national and local issues and commit resources as appropriate; develop a single strategic plan that also allows for local priorities to be addressed; be accountable to residents of the three boroughs, particularly those who have experienced or who are at risk of harm.
- 3.5 As with the Children's Board, independence in the Chair is essential in providing the necessary external scrutiny and challenge to this high risk area of activity.

4. BACKGROUND

- 4.1 'No Secrets' was reviewed in 2009, and remains binding guidance, issued under Section 7 of the Local Authority Social Services Act 1970. It requires local authorities, under the guidance of the Secretary of State, to be lead agencies in creating a framework for action, with all other responsible agencies, for protecting adults at risk of abuse.
- 4.2 The White Paper 'Care for our Future' published in July 2012 and the draft Care and Support Bill confirm the government's intention to legislate to ensure that all

agencies work together at a local level to prevent abuse by requiring local authorities to convene statutory Safeguarding Adults Boards with core membership from the police and NHS organisations.

- 4.3 The recommendations in this report are designed to ensure that the three local authorities are well-placed, individually and together, to implement government intentions towards adults at risk of harm across Tri-borough, sharing best practice and making best use of all available resources.

5. PROPOSAL AND ISSUES

- 5.1 The proposal of a single Board is not without risk. While recognising the need to avoid duplication and to be more efficient without reducing effectiveness, some respondents were concerned that a single board would be:

- too unwieldy in terms membership;
- too large to allow for the discussion of detail;
- require investment in business support to manage the large agenda;
- risk losing the commitment of borough-based partners and thus a local voice and local focus;
- and lose the ability to provide reassurances to the local community and their elected representatives about safeguarding issues

- 5.2 In order to counter these risks, and learning from the experiences of the Children's Board, the following will be built into the proposed arrangements for the Tri-borough Safeguarding Adults Executive Board:

- strong independent chairing;
- good business support for the Board;
- senior representation of all key stakeholders;
- mechanisms for effective feedback from the work-streams;
- clarity regarding the Board's purpose and the roles and responsibilities of Board members;
- a plan for promoting the work of the Board to all agencies working with adults at risk across tri-borough;
- clear lines of accountability to elected members in each of the local authorities, and the executive boards or governing bodies of member organisations.
- some consideration to how partnership groups in each of the boroughs may add value to the work of the Board and its work-streams.

- 5.3 Draft Terms of Reference for the Board are attached as Appendix 2.
- 5.4 A draft implementation plan for the proposed arrangements is attached as Appendix 3.
- 5.5 The position of independent chair will be advertised externally and the person appointed will report to the Tri-borough Executive Director of Adult Social Care.

6. OPTIONS AND ANALYSIS

- 6.1 The review considered a number of options, including no change in the present adult Safeguarding arrangements. Full consideration of the risks and benefits of each option were identified in the consultation document: 'Safeguarding Adults at Risk. Developing good governance: Consultation paper September 2012' (attached as background paper).
- 6.2 Some respondents proposed alternative suggestions to those offered.
- 6.3 The 'no change' option was not included in the consultation as the reason for the review was that the demands placed on the staff resources of Tri-borough to support the number of meetings required was not sustainable.
- 6.4 The proposal to merge the Hammersmith and Fulham and Westminster Boards and retain the existing arrangements in RBKC (Option B) was the least preferred option.
- 6.5 The option of a single, high-level Executive Board and merged work-streams (Option C) was favoured by organisations working across more than one borough. Some respondents were concerned about the risk of losing connection with the local agendas and partners.
- 6.6 Option A was favoured by respondents who value having high level strategic leadership across the three boroughs, whilst retaining local connections and addressing local priorities. However, if Partnership Groups are to be maintained, careful consideration will need to be given as to how they might function in a more cost-effective task-focused way than at present, and how they will interface with the work-streams.

7. CONSULTATION

- 7.1 The Consultation of stakeholders was conducted in the Autumn of 2012. The percentage return (71%) was high with clear support for a single Safeguarding Adults Executive Board across the three boroughs.
- 7.2 Participants also indicated a number of issues that need to be addressed in setting up the new governance arrangements and the commitment from their agency to help to progress this work.
- 7.3 The responses have been passed to and considered by the Cabinet Member with responsibility for Adult Social Care in each of the three local authorities.
- 7.4 The consultation paper is attached as a background paper to this report. A more detailed analysis of the findings from the consultation is outlined in Appendix 1.

8. EQUALITY IMPLICATIONS

- 8.1 All equality issues will be considered as part of the new arrangements. As the proposal reflects best practice across the three boroughs it is not envisaged that there will be any negative equality impacts. Equality monitoring will remain a priority under the proposed arrangements and will be reported on regularly.

9. STAFFING

- 9.1 There are no staffing implications from this report in that the work of managing the existing adult Safeguarding governance arrangements is carried out by the Tri-borough Professional Standards and Safeguarding Team in Adult Social Care. This will continue to under the proposed arrangements.
- 9.2 There are three adult safeguarding leads: one for each borough. Each of the adult safeguarding leads is responsible for developing one of the three work-streams across Tri-borough. This work has already begun and is proving effective in sustaining the interest and engagement of agencies working with adults at risk in all of the three boroughs.
- 9.3 Management of the Executive Board will be the responsibility of the Strategic Lead for Professional Standards and Safeguarding and business support will be provided from existing resources within the Professional Standards and Safeguarding Team and Tri-borough Adult Social Care.

10 LEGAL IMPLICATIONS

- 10.1 The Council has undertaken an extensive consultation exercise and the responses to the consultation are summarised in Appendix 1. The responses to the consultation must be carefully taken into account before any decision on the proposals contained in this report are taken.

11 FINANCIAL IMPLICATIONS

- 11.1 This proposal that stream-lines of the governance of Adult Safeguarding across the three boroughs supports the agenda of greater efficiency in the delivery of adult social care by reducing duplication of effort and cost where there is common purpose and shared outcomes, whilst retaining local focus and agency commitment to working together to protect adults at risk.
- 11.2 There is a nominal saving across the three boroughs from the appointment of a single Independent Chair, replacing the two existing chairs, (a reduction from 32 days a year to a proposed 24 days a year, plus expenses. The daily rate is calculated at a maximum of £600 a day). Any saving may be offset by the costs of providing additional administrative support if Safeguarding Boards are put on a statutory footing.
- 11.3 The setting up, and supporting this proposal, of a single independently-chaired Executive Safeguarding Adults Board and the three work-streams across Tri-borough, will be cost neutral as it will be funded from within existing budgets.

Andrew Webster

Tri-borough Executive Director of Adult Social Care

Local Government Act 1972 (as amended) – Background papers used in the preparation of this report:

**Safeguarding Adults at Risk: Developing Good Governance Consultation Paper
September 2012**

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APPENDIX 1

Safeguarding Adults at Risk: Developing Good Governance Consultation

Options consulted on

The consultation document put forward three main options for the future governance arrangements of adult safeguarding across tri-borough:

Option A - create a single Safeguarding Adults Executive Board across the three boroughs, retaining partnership groups in each of the three boroughs.

Option B - merge the Hammersmith and Fulham and Kensington and Chelsea Boards (to reflect Bi-borough arrangements of a single Chief Executive).

Option C - create a single Safeguarding Adults Executive Board across tri-borough.

To support the consultation, the consultation document included diagrams showing the current and proposed structure charts and some indicative risks and benefits of each option.

It also referred to two guiding principles that would inform the outcome, namely:

- the workload and level of activity that any new arrangement would be likely to generate given that the current level of activity across the three boroughs (potentially 49 meetings a year, equivalent to one meeting a week) would not be sustainable; it suggested that a more realistic number of meetings would be 12 a year, or one a month
- the way in which any new arrangement would be accountable to elected members in each of the local authorities, and the executive boards or governing bodies of member organisations.

Participants were invited to submit any other ideas they might have for arrangements that would effectively deliver adult Safeguarding objectives and outcomes.

Which options people chose and why

In the consultation form respondents were asked to say which option they thought, on balance, would best deliver the Safeguarding objectives and outcomes required by government guidance and recognised by good practice.

As can be seen from the chart below the strongest support was for Option A with 60% of respondents saying that they thought this option would best deliver the safeguarding objectives and outcomes. This was followed by Option C (26%). Only a small minority of respondents (5%) chose Option B. A slightly higher proportion (9%) said they thought a different option would best deliver the outcomes.

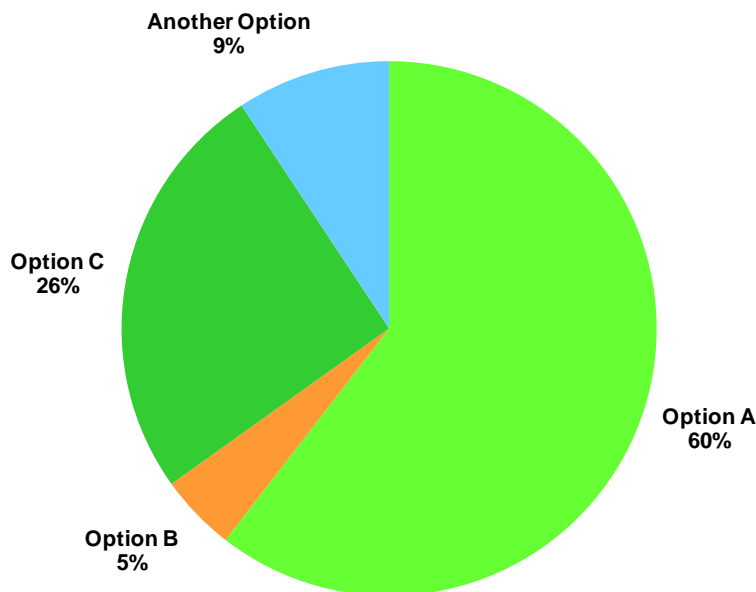
In a follow-up question respondents were asked to indicate what reasons had influenced their choice by saying whether they agreed or disagreed with a series of statements about the potential benefits and costs associated with the different options. The statements focused on three main themes: leadership and representation, maintaining a focus on local priorities, and the potential for making savings or efficiencies (see p.10).

Key factors in any arrangement.

For the majority of respondents, regardless of which option they preferred, key factors were:

- representation from senior management on the Board
- strong strategic leadership
- representation at strategic and operational levels
- a retained focus on local priorities
- an opportunity to make reduce the number of meetings for agencies working across tri-borough

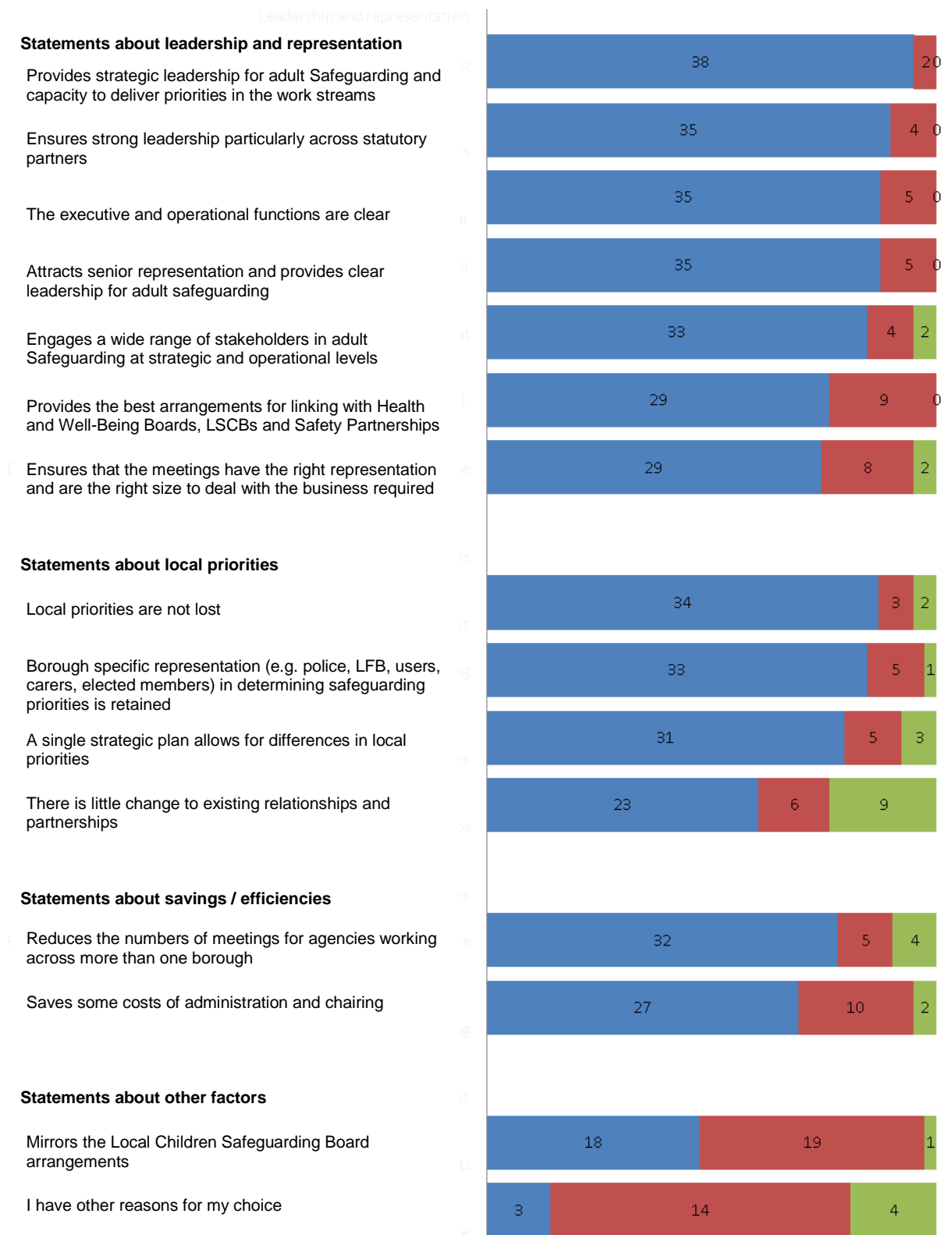
Which options respondents thought would best deliver safeguarding objectives and outcomes (n=43)



Whether respondents agreed or disagreed with a series of statements about the benefits and costs associated with the three main options

I do not have a view

I agree strongly / I agree I disagree / I disagree strongly



Risks and caveats

While recognising the need to avoid duplication and to be more efficient without reducing effectiveness, some respondents mentioned potential tensions or risks specifically in relation to the creation of a single executive board, saying a single board would be:

- too unwieldy – in terms membership size and meeting time needed
- too large to allow for the discussion of details
- require substantial investment in business support to manage the large agenda
- risk losing the commitment of borough based partners and thus a local voice and local focus and as a result an ability to provide reassurances to the local community and their elected representatives about safeguarding issues
- find it difficult (possibly) to present a unified message or uniform policies that apply over three boroughs.

Re-enforcing these concerns, some respondents emphasised the pivotal role that local partnership boards play in ensuring local engagement, managing local activity and conducting the day to day business of the board.

Requirements to counter risks

A number of respondents mentioned specific factors that would need to be put in place to counter such risks, namely strong chairing, strong management of the workload and paperwork, effective (i.e. senior) representation of all key stakeholders including the voluntary and private sectors (which may require more than one seat in the case of some groups such as vulnerable adults themselves) effective feedback mechanisms or sub-groups, clarity regarding roles, governance and responsibilities at Board and sub-group levels including to wider stakeholders and the wider community, strong management of and within the sub-groups, adoption across boroughs of common practices and terminology to allow for meaningful comparisons, a proactive approach to making the work of the Board known across tri-borough by for example, holding meetings and events across the three boroughs, visiting community and voluntary groups, and being ambassadors for safeguarding; and finally investing in safeguarding in general and business support in particular.

Other points mentioned were:

- A concern that cost saving considerations (for example through reducing the number of meetings attended or serviced) seemed to be taking precedence over other considerations, notably the ability of the Board to deliver the best possible safeguarding outcomes for individuals

- A concern that without strong leadership and necessary resourcing (staff and time) the work-streams will be unable to attract sufficient and sustained representation from across tri-borough and be unable to deliver in line with expectations
- A need to strengthen support to the existing Boards and a need for greater leadership
- A need to engage with local clinical commissioning groups and GPs
- A need to learn lessons from the Local Safeguarding Children Board
- A need to recognise that as tri-borough develops this may be an interim stage with local partnerships merging over time.

Other options suggested

Just under 10% of respondents thought that some other arrangement – other than one of the three proposed - would deliver better outcomes for adult safeguarding across tri-borough. Together these respondents suggested four different arrangements, which in two cases were a variation on those suggested. A common feature of the first three was a desire to retain borough based partnerships and a local focus while keeping the workload manageable and capable of delivering in line with expectations.

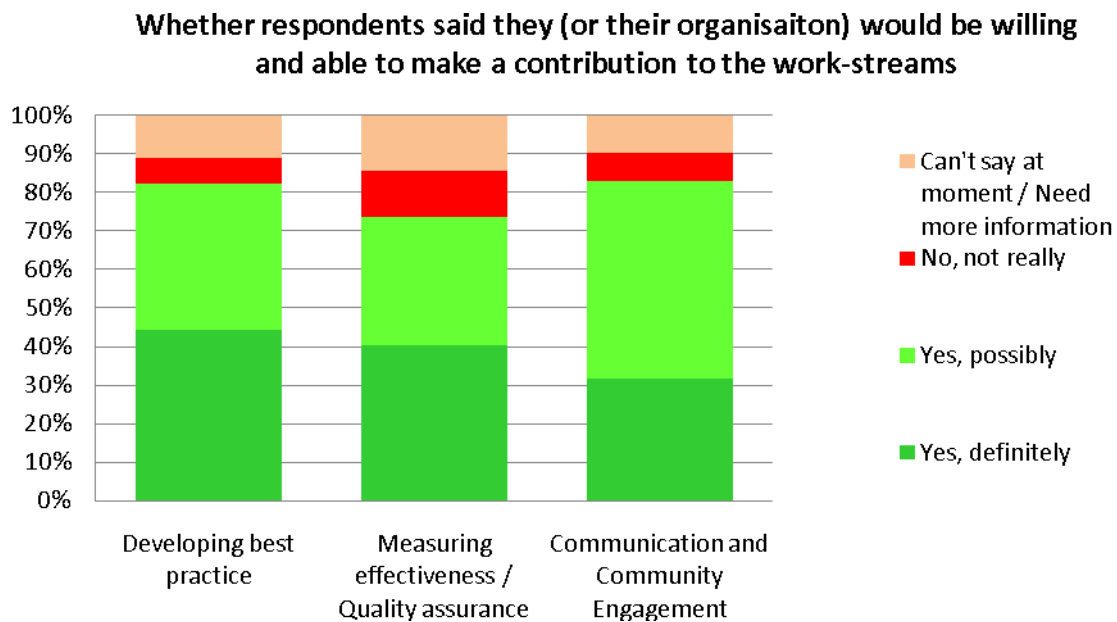
a) Retain current arrangements – as they work well and the alternatives proposed do not seem to represent an improvement

b) A variation of Option A and Option C - where there are two executive boards with two partnership groups; this would retain a local focus, recognise joint working, retain local interest and engagement and ensure realistic and manageable workloads for the Boards and sub-groups. It would reduce the number of meetings required from 12 to 8 and the combined number of days for both independent chairs from 32 to 20. However there would need to be an investment in dedicated business support which may off-set any cost savings.

c) A hybrid between Option A and Option C – where the local focus would be provided through the three work-streams (common to all options) rather than through three separate partnership groups. At the meetings of the single merged executive board, each work-stream would be required to provide an update on progress, flagging up borough specific issues as appropriate. This would only work if the work-streams have strong leadership and adequate, committed representation from (or links to) key stakeholders in each borough.

d) An option based on learning from the merged tri-borough Local Safeguarding Children Board

Agencies' willingness to contribute to work-streams



July 2012 the chairs of each Safeguarding Board / Executive Committee agreed that each of the three supporting work-groups – Developing Best Practice, Measuring Effectiveness / Quality Assurance, and Communication / Community Engagement – should merge in order to reduce the amount of duplication and lessen the workload on those agencies that work across tri-borough. Since the effectiveness of any new arrangements would depend heavily on the effectiveness of the merged work-streams, the consultation form asked people to say whether they (or their organisation) would be both willing and able to make a contribution to one or more of the work-streams as they are developed across tri-borough.

The chart above shows that the majority of respondents replied positively with between seven and eight out of ten saying, in the case of each work-stream, that they would possibly or definitely be able to make a contribution, and with between three and four out of ten saying they definitely would be able to do so.

Safeguarding Adults at Risk: Terms of Reference for Safeguarding Adults Executive Board (Draft)

1 Purpose of the Executive Board

- 1.1 The purpose of the Tri-borough Safeguarding Adults Executive Board is to provide good governance across the partnership of agencies that work with adults at risk in the three boroughs.
- 1.2 The key elements of good governance are leadership, direction and control.
- 1.3 With regard to leadership, the Board provides the focus for adult Safeguarding across the three boroughs, and defines the scope of the work to be done and the principles that underpin that work.
- 1.4 The context of the Board's work is Personalisation, with a focus on prevention and community engagement. This is wider than the scope implied by the definitions in No Secrets (DH 2000), with its prime focus on responding to individual situations of risk and harm.
- 1.5 The principles underpinning the work of the Board are defined by government as Empowerment, Protection, Prevention, Proportionality, Partnership and Accountability. These underpin the direction of the Board's work.

Empowerment: The Board will presume that adults at risk will make their own informed decisions with regard to their safety, unless they are assessed as lacking capacity to make a decision because of an impairment or disturbance in the functioning of their mind. Then decisions made on their behalf will be made in their best interest.

Protection: The Board will ensure that support and representation is provided for those in greatest need.

Prevention: The Board will promote public awareness of abuse and how to prevent and report it through good community engagement on the premise that it is better to act before harm occurs.

Proportionality: The Board will ensure the least intrusive response appropriate to the risk presented.

Partnership: The Board will work together with the community to promote local services and joined-up responses to prevent abuse and respond to adults at risk or who have been harmed, acknowledging that communities have a key role to play in preventing, detecting and reporting neglect and abuse.

Accountability: The Board will be accountable to its constituent member agencies, and will promote transparency in its dealings with residents of the three boroughs and adults at risk of harm.

2 Functions of the Executive Board

2.1 The control element of good governance of Adult Safeguarding will be achieved through the following activities of the Executive Board. The Board will:

Develop a Strategic Plan by agreeing shared priorities for improving outcomes for adults at risk of harm.

Set standards and guidance across the three boroughs through agreed policy and procedures and protocols for working with adults at risk of harm.

Assure quality through activity reporting, data analysis and learning lessons from case audit and case review, including Serious Case Review.

Promote participation of people who receive services, their carers, and advocates, and agencies (such as Healthwatch) which are constituted to champion consumers of health and social care.

Raise awareness, particularly of the public, of how to recognise vulnerability and abuse, and how to report concerns about adults at risk.

Build capacity by ensuring staff and volunteers working with adults at risk have the appropriate values and skills to assess and meet their needs.

Manage relationships across agencies working with adults at risk, to respond in a joined-up, person-centred way to ensure good outcomes for each person who has experienced harm.

3 Membership (provisional)

- 3.1 Members of the Executive Board will be of sufficient seniority to be able to make decisions with regard to adult Safeguarding on behalf of the organisation they represent.
- 3.2 The Executive Board will be made up of the following:

Independent Chair (to be appointed)

Tri-borough Executive Director of Adult Social Care

Tri-borough Executive Director of Children’s Services

Senior representatives from the following agencies:

Imperial College Healthcare NHS Trust

Chelsea and Westminster Hospital NHS Trust

Royal Brompton and Harefield NHS Trust

Central London Community Healthcare NHS Trust

Central North West London NHS Foundation Trust

West London Mental Health NHS Trust

London Ambulance Service

Clinical Commissioning Groups Collaborative

Healthwatch

Metropolitan Police

London Fire Brigade

London Probation Service

Crown Prosecution Service

4 Board Deliverables

- 4.1 **The Tri-borough Safeguarding Adults Executive Board will:**
- 4.2 Meet four times a year in January, April, July and October;
- 4.3 Identify the strategic priorities for adult Safeguarding across participating agencies for the year;
- 4.4 Arrange for these priorities and work plans to be agreed through the governance arrangements of each agency represented on the Board;

- 4.5 Monitor progress on these priorities by receiving quarterly reports from the leads for the Measuring Effectiveness, Developing Best Practice and Community Engagement work-streams;
- 4.6 Review priorities in the light of national and local developments that fall within the scope of the Board's work;
- 4.7 Commission time-limited pieces of work, for example responses to national or local serious case review;
- 4.8 Publish an annual report, including comparative activity and outcome data, on Safeguarding Adults at Risk across the three Boroughs;
- 4.9 Align the Board's work, where appropriate, with that of other Boards such as the Safeguarding Children's Board, Health and Well-being Board, and Safety Partnerships.
- 4.10 Review its own performance annually to ensure its continuing efficiency and effectiveness.

5 Board Work-streams

- 5.1 There are three work-streams that will report to the Executive Board. These are Developing Best Practice and Community Engagement, Measuring Effectiveness
- 5.2 The purpose of the Community Engagement work-stream is to engage with people who use services, carers and members of the public in developing, evaluating and improving services and raising public awareness and increase public confidence in recognising, reporting and preventing abuse.
- 5.3 The main purpose of the Developing Best Practice work-stream is to develop a workforce across all agencies working with adults at risk, that is competent and confident in adult safeguarding, responding consistently and in a joined-up, person-centred way, to achieve the best outcomes for adults who have experienced harm.
- 5.4 The main purpose of the Measuring Effectiveness work-stream is to bring together and analyse all the information gathered about adult safeguarding activity across agencies working in the three boroughs in order to determine how

the work of the Board is delivering the outcomes that make a difference to the safety and well-being of adults who have experienced harm.

- 5.6 The work-streams will take a project-based approach to delivering the strategic priorities of the Safeguarding Adults Executive Board and will report progress to the quarterly meetings of the Board.
- 5.7 to ensure local connections are strengthened, members will be drawn from all current stakeholder organisations and groups working with adults at risk who wish to use their time, skills, knowledge and experience to contribute to promoting and progressing adult safeguarding across the three boroughs.

APPENDIX 3

Safeguarding Adults at Risk: Implementation Plan for Tri-borough Safeguarding Adults Governance (Draft)

Key actions and milestones

Developing Good Governance of Safeguarding Adults Consultation	September and October 2012
Findings from Consultation reported to Safeguarding Adults Boards (Quarter 3 cycle of meetings) and Tri-borough Management Team	November 2012 to January 2013
Consultation Report and Proposal considered by Cabinet Members in each of the three boroughs	February 2013
Cabinet decision to endorse proposal	March 2013
Advertise and Appoint Independent Chair	March 2013 (complete within 6 weeks)
Terms of Reference for the Executive Board and Work-streams presented to existing Board members and organisations they represent for consideration, refining and endorsement (Quarter 4 cycle of meetings)	March and April 2013
Organisations invited to nominate members to the Executive Board	March and April 2013
Formal notification to partner organisations of new arrangements and letters of invitation sent to nominated members of the Executive Board from the independent chair and the Tri-borough Executive Director of Adult Social Care	April 2013
Mid- year review and evaluation of the arrangements reported to Cabinet Members and Executive Boards of member agencies	October 2013
Combined Annual Report presented to Cabinet Members, Scrutiny Committees and Executive Boards of member agencies	June 2014
