

# CHESHIRE EAST COUNCIL

## Health and Wellbeing Board

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<b>Date of Meeting:</b>	29 <sup>th</sup> July 2014
<b>Report of:</b>	Kathy McAteer, Independent Chair Local Safeguarding Adults Board
<b>Subject/Title:</b>	Progress Report regarding the Local Safeguarding Adults Board

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### 1.0 Report Summary

1.1 Since the previous report presented to the Health and Wellbeing Board on 26<sup>th</sup> November 2013, an Interim Chair of the Local Safeguarding Adults Board (LSAB) was appointed in April 2014, following the resignation of the previous chair. This report is the mid-year safeguarding up-date and sets out the key goals and plans over the next 6 months, to develop the LSAB in line with the new legal framework set out in the Care Act 2014.

### 1.2 Care Act 2014

The Care Act 2014 sets out a new legal framework for the provision of care and support for adults, support for carers, safeguarding adults from abuse or neglect, and care standards. There are 2 key elements:

- Ensuring that key partners work together effectively to improve safeguarding, wellbeing and independence
- New duties and responsibilities for local authorities in how they provide this support.

The Care Act sets out a legal framework for how all agencies should protect adults at risk of abuse or neglect. There is a legal requirement for local authorities to set up a **Safeguarding Adults Board** in their area. Though adult safeguarding boards have been operating for many years, these have been on a voluntary basis. The Care Act aims to ensure that local organisations can make sure they are working together in the best way by giving these boards a clear basis in law for the first time. The Care Act says that Safeguarding Adults Boards must:

- Include the local authority, the NHS and the police, who should meet regularly to discuss and act on local safeguarding issues
- Develop a shared “safeguarding plan” for safeguarding, working with local people to decide how best to protect adults in vulnerable situations
- Publish this safeguarding plan and report to the public annually on its progress.

In addition to the legal requirement to establish a Safeguarding Adults Board, the Care Act also requires:

- Local authorities to make enquiries, or ask others to make enquiries, when they think an adult with care and support needs may be at risk of

abuse or neglect in their area, and take any action that may be needed. This applies regardless of whether the authority is actually providing any care or not.

- The Safeguarding Adults Board to arrange a Safeguarding Adults Review in cases where there has been a failure in safeguarding – for example if an adult with care and support needs dies as a result of abuse or neglect and there is concern about how one of the safeguarding agencies acted or whether agencies acted together in the right way.
- The local authority must arrange for an independent advocate to represent and support someone who is subject to a Safeguarding Enquiry or Safeguarding Adult Review if they need help to understand and take part in the process.
- All organisations must share information related to abuse or neglect with the Board. This includes a legal requirement for organisations and individuals to respond and share any relevant information with the board, when asked to do so.

## **1.2 Review of Constitution**

The LSAB has established a Business Management Group, chaired by the interim Chair and comprising the local authority, NHS, Police and the chair of the No Secrets Reference Group, who have been tasked with completing a review of the Constitution for the LSAB. The aim is to ensure clarity of definition, purpose and remit of the LSAB and ensure that this is in line with the new legal framework. This work will be completed over the next 6 months and will be subject to wider consultation in due course.

## **1.3 Business Plan and Work Programme**

At the LSAB meeting held on 23<sup>rd</sup> July, the LSAB reviewed its work programme and agreed the key priorities for 2014-15. This will inform the development of a two year Business Plan and the new annual safeguarding plan required by the new legal framework. Linked to this, work will be completed to establish how the performance of the LSAB will be measured to ensure it is effective and supports good partnership working.

## **2.0 Decision Requested**

- 2.1** That the HWBB notes the mid-year up-date as set out in this report and receives the new Constitution as part of the next 6 monthly report.

## **3.0 Reasons for Recommendations**

- 3.1** The Health and Well-Being Board has a clear role in Adult Safeguarding. There is the need to formally recognise adult safeguarding and as a cross-cutting theme as set out in the previous report.

- 3.2** The HWBB also has a role in scrutinising and challenging the LSAB and in evaluating the performance of the LSAB in its contribution to the health and well-being agenda.
- 3.3** The review of the Constitution will ensure that the issues identified on 26<sup>th</sup> November 2013 are addressed. That is, the need to:
- Clearly locate each Board in an overall governance structure and agree inter-relationships
  - Agree the basis of the relationship –mutual support, distinction of role, scrutiny and challenge
  - Ensure the LSAB is not subordinate – It cannot compromise its separate identify and independent voice
  - Identify the relationship with Healthwatch and Safeguarding

#### **4.0 Access to Information**

**Any information regarding this report can be inspected by contacting the report writer:**

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