



**Leeds Safeguarding
Adults Board**

Leeds Safeguarding Adults Board

Constitution

**Safeguarding the right of adults with care and
support needs to live free from abuse and
neglect**

“Leeds - A Safe Place for Everyone”

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1. Introduction

The Care Act 2014 requires each Local Authority to establish a Safeguarding Adults Board (SAB) in line with Section 43 of the Act. The Leeds SAB includes the local authority, the CCG and the police as core members, as required by Schedule 2 of the Act. Schedule 2 also requires these Board members to co-operate with each other in agreeing other members of the SAB, and in appointing a chair for the Board. This document details the arrangements for the Board members within Leeds to carry out their functions as laid out in legislation and guidance.

1.1 Vision and Purpose

The vision statement of the Leeds Safeguarding Adults Board is:

Leeds - A Safe Place for Everyone

The Care and Support Statutory Guidance describes the aims of adult safeguarding as to:

- stop abuse or neglect wherever possible;
- prevent harm and reduce the risk of abuse or neglect to adults with care and support needs;
- safeguard adults in a way that supports them in making choices and having control about how they want to live;
- promote an approach that concentrates on improving life for the adults concerned;
- raise public awareness so that communities as a whole, alongside professionals, play their part in preventing, identifying and responding to abuse and neglect;
- provide information and support in accessible ways to help people understand the different types of abuse, how to stay safe and what to do to raise a concern about the safety or well-being of an adult; and
- address what has caused the abuse or neglect.

The Safeguarding Adults Board is required to contribute to these aims by working towards its objective in line with the Care Act, that is, to help and protect adults with care and support needs in its area from abuse or neglect, who cannot protect themselves due to those needs, by co-ordinating and ensuring the effectiveness of what each of its members does. The SAB may do anything which appears to it to be necessary or desirable for the purpose of achieving its objective. This includes making appropriate links with other areas of work such as the national Prevent Strategy, and Child Sexual Exploitation.

1.2 The Duties of the Safeguarding Adults Board

1.2.1 Safeguarding Adults Board Strategy and Annual Plan

Schedule 2 of the Care Act requires each SAB to publish a plan (its “strategic plan”) for each financial year, which sets out its strategy for achieving its objective, and what each member is to do to implement that strategy. The Board will publish a strategic plan, setting out its vision and strategy, which will be

reviewed annually, in line with the requirements of the Care Act. The Board will also publish an annual plan to support its longer term Strategy.

1.2.2 Safeguarding Adults Board Annual Report

Schedule 2 also requires the SAB to publish an annual report that includes what each member has done during that year to implement the strategy. The Board will publish an annual report, which will be reported to the Local Authority Executive Board and the Boards of the core member organisations of the SAB. A copy will be sent, as required by Schedule 2, to:

- the Chief Executive and the Leader of Leeds City Council
- West Yorkshire Police and Crime Commissioner
- Healthwatch Leeds
- the Chair of the Leeds Health and Wellbeing Board

Board members will also ensure that the Annual Report is presented to their own organisation executive body, and that a formal response is provided to the Chair of the Leeds Safeguarding Adults Board.

1.2.3 Safeguarding Adults Reviews

Section 44 of the Care Act requires the SAB to carry out Safeguarding Adults Reviews (SARs) in the following circumstances:

- when an adult in Leeds dies as a result of known or suspected abuse or neglect, and there is concern that member organisations could have worked more effectively to protect the adult
- when an adult in Leeds is still alive, but has experienced serious neglect or abuse, and there is concern that member organisations could have worked more effectively to protect the adult

1.3 Safeguarding Adults Principles

The SAB will promote the national principles of Safeguarding Adults, listed in the Care and Support Statutory Guidance:

- Empowerment
- Protection
- Prevention
- Proportionality
- Partnership
- Accountability

These principles will inform the ways in which Board members and staff work with adults who may be at risk of abuse or neglect.

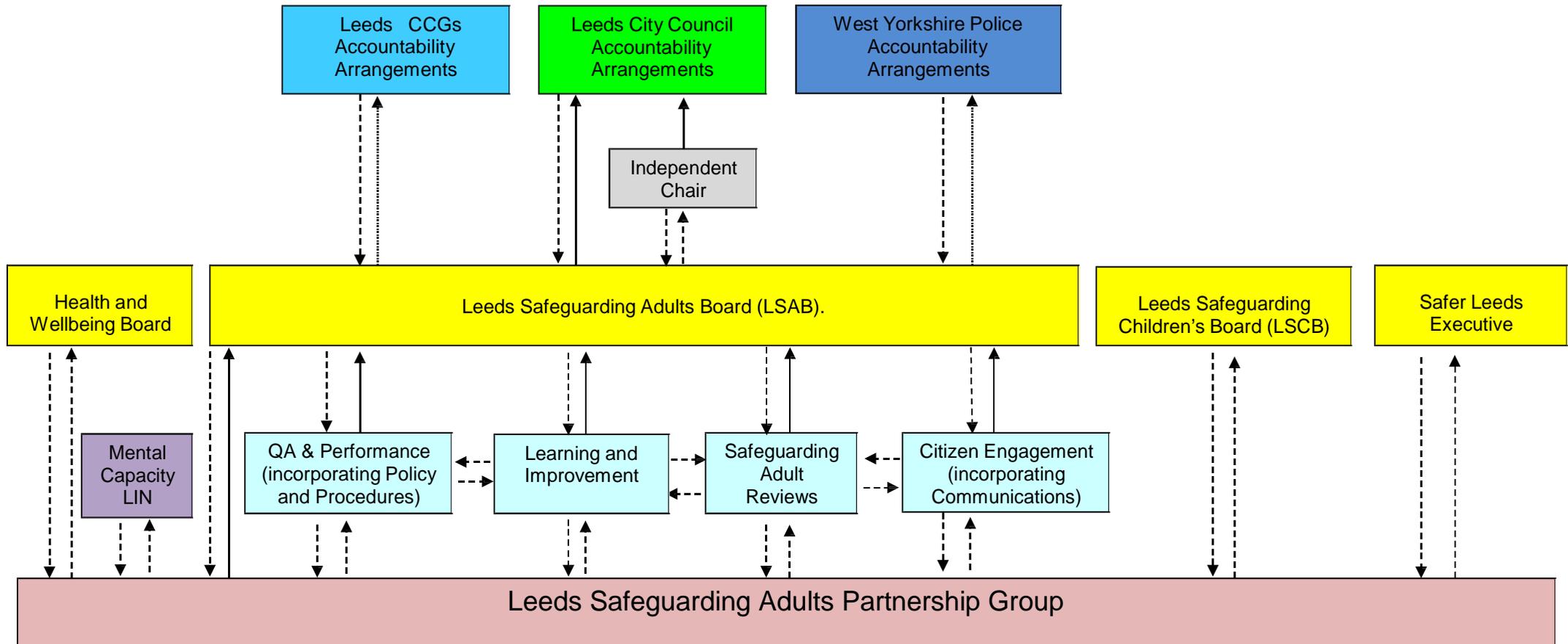
2. Governance

2.1 Model Diagram

The Board Model has been designed within the framework of the statutory requirements, accountabilities and key principles of safeguarding. A diagrammatic representation of accountability and information flow is given below.

Accountability Link ———>

Informational Flow - - - - ->



Board (Yellow Boxes) chairs liaise, as required (see protocol).

2.2 Membership of the Safeguarding Adults Board

The following will be represented at the Leeds Safeguarding Adults Board as member organisations:

- Adult Social Care
- Leeds CCGs (Yorkshire Ambulance Service to be represented by CCGs)
- West Yorkshire Police
- Healthwatch Leeds
- Leeds Teaching Hospitals NHS Trust
- Leeds and York Partnership NHS Foundation Trust
- Leeds Community Healthcare Trust
- West Yorkshire Fire and Rescue Service
- Citizen representative
- Voluntary, Community and Faith Organisations representative
- Housing
- Public Health
- The Prison Service
- National Probation Service (West Yorkshire)
- Community Rehabilitation Company (West Yorkshire)

Other organisations may become members as agreed by the Board.

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

Roles that support the Board and are therefore ex-officio members include Legal Services, Partnership Support Unit staff and designated safeguarding officers of member organisations. Others may be invited to attend meetings from time-to-time for specific agenda items.

2.3 Appointment of Chair/Vice Chair(s)

Leeds City Council will appoint the Chair of the Safeguarding Adults Board in consultation with other core members. The Director of Adult Social Services will nominate one or more Vice Chairs, to chair in the absence of the Chair.

2.4 Safeguarding Adults Board Decision Making

Prior to discussion of a matter Board members should have:

- ❖ read the written report,
- ❖ identified key lines of discussion/enquiry to be taken up at the meeting,
- ❖ identified potential areas of good practice and shared learning, and
- ❖ established the relevant position within their own organisation as necessary.

The Chair will manage the consideration of reports and highlight any further action, outputs or outcomes required by the Board and ensure recognition is given for real progress made.

The Chair will, wherever possible, seek consensus on business matters under consideration at or outside of partnership board meetings.

In the event of a vote, all members will be entitled to vote. In cases where there is an equal number of votes, the Chair will have a second or casting vote.

2.5 Attendance and Quoracy

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 Board Member.

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. A register of attendance will be kept.

To be quorate, the Board must have not less than **4** members present, each from different member organisations, including representatives from Adult Social Care, the CCGs and West Yorkshire Police.

2.6 Declaration of Interests

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. Board members who have declared an interest will be able to participate in the meeting at the discretion of the Chair.

2.7 Co-Options and Observers

The Board may co-opt additional members to cover skill gaps in Board membership or to secure specialist advice. Individuals may be so co-opted because of their job role, or because of their personal knowledge and experience.

All such co-options will be reviewed annually. Co-options may be for a fixed period or a specific task.

Observers from Member organisations or other organisations may attend meetings by agreement of the Board. This does not include the right to speak or participate in discussion of matters before the Board. Observers may be excluded from parts of the meeting if and when the Board members and the Chair deem it appropriate.

2.8 Sub-Groups and Task and Finish groups

There are four standing sub-groups of the board:

- Quality Assurance and Performance (incorporating policy and procedures work)

- Learning and Improvement
- Citizen Engagement (incorporating communications work)
- Safeguarding Adults Reviews

From time to time, time-limited task and finish groups may be set up to undertake specific pieces of work.

Terms of Reference will be developed and maintained by each sub-group (see Annex 1). The sub-group chair will present the terms of reference to the Board for sign-off, and report ongoing progress to the Board.

2.9 Protocol with other Statutory Boards and Partnerships

The Leeds Safeguarding Adults Board will work with other strategic partnerships in the city, to ensure the profile of adult safeguarding is maintained across the city. Particular relationships will be maintained, through the chairs and through common membership, with the Leeds Safeguarding Children's Board, the Safer Leeds Executive (the Leeds Community Safety Partnership) and the Health and Wellbeing Board (a statutory committee of the Council), to ensure joint approaches can be developed on shared areas of concern, such as the Prevent agenda, sexual exploitation and human trafficking.

2.10 Safeguarding Adults Partnership Group

The Safeguarding Adults Partnership Group is made up of a wider group of stakeholders, and the Board will consult the Partnership Group on its annual strategic plans for achieving its objective.

3. Roles and Accountabilities

3.1 Chief Executive of the Local Authority

The Care and Support Statutory Guidance states that the Chair of the Safeguarding Adults Board is accountable to the Chief Executive of the local authority as the lead body responsible for establishing the SAB. Leeds City Council Chief Executive will meet with the Board Chair four times per year. Two of these will be joint meetings with the Chair of the Leeds Safeguarding Children's Board.

The Chief Executive also receives a copy of the Safeguarding Adults Board annual report, along with the Leader of the Council, as required by Schedule 2 of the Care Act. The annual report will be presented each year to the local authority Executive Board.

The Chief Executive will work with the Director of Adult Social Services, the leader of the Council and other elected members to ensure that the council is kept informed about safeguarding matters, as required.

3.2 The Director of Adult Social Services (DASS)

The Director of Adult Social Services (DASS) has specific responsibilities under statutory guidance issued by the Department of Health in May 2006. The DASS has responsibility and authority for ensuring that the Local Authority maintains a clear organisational and operational focus on safeguarding adults and that relevant statutory requirements and other national standards are met.

The DASS will meet regularly with the Chair of the Board to review progress, consider any strategic or other issues requiring the chair's involvement and to give advice and support on the development and delivery of the effective citywide safeguarding of adults.

The DASS also has the right to attend and address the Board. The DASS may give such advice and direction to the Board either directly or through the Board Chair as he or she sees fit in the discharge of his or her responsibilities.

The Director of Adult Social Services has responsibility for day-to-day local authority leadership and oversight of Safeguarding Adults, including the effectiveness of the Safeguarding Adults Board, and will brief the Chief Executive and Executive Member for Adult Social Care, as required.

3.3 The Chair of the Board

The Chair of the Board is appointed by Leeds City Council in consultation with the other core members of the Board. The job description for the Chair is agreed and reviewed by the local authority in consultation with Board members.

The chair is directly accountable to the Leeds City Council Chief Executive for the effective strategic leadership, organisation and performance of the Board in its discharge of safeguarding adults responsibilities. Day-to-day responsibility for liaising with the Chair is held by the Director of Adult Social Services, who has the statutory responsibility for ensuring effective partnership in Safeguarding Adults work.

The Chair has a critical role to lead collaboratively, give advice, support and encouragement but also to offer constructive challenge and hold partner agencies to account and ensure that interfaces with other strategic functions are effective whilst also acting as a spokesperson for the SAB. The Chair should keep up to date with, and promote, good practice, developments in case law and research and any other relevant material.

3.4 Members

The Core Members of the Board are Leeds City Council Adult Social Care, the Leeds CCGs and West Yorkshire Police. Core Members agree to resource the Board according to an agreed formula. **Annex 6** identifies the basis for the Board funding contributions. The Board will monitor expenditure against the budget throughout the year. The Board is accountable to the Core Members for its use of resources.

All Board Members have their own accountability and governance arrangements and specific responsibility for ensuring their services and functions are

discharged with regard to the need to safeguard and promote the independence, health and well-being of adults at risk.

Members of the Board are jointly responsible for the work of the Board, and should ensure active engagement in the development and ownership of the policies, procedures and actions of the Board.

Whilst the Board has a role in co-ordinating and ensuring the effectiveness of organisations' work to safeguard and promote the welfare of adults at risk of abuse or neglect, it is not accountable for their operational work. Each Board member retains their own existing lines of accountability for safeguarding and promoting the welfare of adults by their services. The Board does not have the power to direct other organisations.

Board members are committed to working in partnership to ensure effective safeguarding of adults at risk of abuse or neglect in Leeds. Each Board member understands the benefits of holding each other to account and agrees to be:

- mutually accountable for the effectiveness of the Board and of Safeguarding practice in the city, and
- open to scrutiny and challenge from other partners in their organisation's work of Safeguarding Adults.

Each Board member agrees to ensure effective representation on the Board and its sub-groups by nominating representatives that they consider of appropriate seniority and nominating deputies to attend in the event of the former not being available for any reason.

All Board members will be key delivery partners able and determined to work within and deliver the outcomes intended to arise from the Board's remit and will remain accountable to their organisation on all relevant matters impacting on outcomes for adults at risk of abuse and neglect.

Each year, Board Members will provide a statement on their organisation's safeguarding work to the Board, no later than 28th February, to contribute to the Annual Report

3.5 Representation

Representatives of Members should hold a strategic role in relation to safeguarding and promoting welfare of adults within their own organisation. They should be able to:

- speak for their organisation with authority;
- commit their organisation on policy and practice matters;
- hold their organisation to account.

Representatives of Members should fulfil the role description drawn up by the Board (see **Annex 2**).

Representatives have a duty to contribute to the effective work of the Board. All board member representatives will be required to participate in an induction into the working of the board

Board members may change their nominated representative at any time. Any such change should be notified in writing to the Partnership Support Unit. Organisations should secure protected time for Board members within their primary organisation role.

All Board members should ensure there is an identified deputy for their Board representative to attend in the event of the member not being available for any reason.

3.6 Workstreams (Sub-groups and Task and Finish Groups)

It is proposed that each of the sub-groups is chaired by a Board Member, and that the chair is supported by the Partnership Support Unit.

Each Board Member should keep under review how best to support the work of the Board's sub-groups and of any time-limited task and finish group, in order to inform the content of the Board's business plan and annual report.

3.6.3 Chairs of Sub-Groups and Task and Finish Groups

In addition to coordinating the sub-group they chair (see **Annex 2** for role descriptions of sub-group chairs), sub-group chairs will meet on a regular basis to support the chair of the Board with agenda setting, to consider overlaps and gaps among the sub-groups, to monitor achievement of work plans and to propose agenda items for the Board.

3.6.4 Other People working on Sub-Groups and Task and Finish Groups

Each sub-group is accountable to the Board through the sub-group chair, who attends the Board as a full member. Individual members of sub-groups are responsible for keeping their organisation informed about the work of the sub-group. This including their organisation's Board representative and deputy.

4. Accountability Meetings

To ensure the effective and transparent reporting and accountability arrangements between the local authority and the work of the Leeds Safeguarding Adults Board, the Chief Executive will hold regular accountability meetings with the Chair of the Board.

The Director of Adult Social Services (DASS) will also hold scheduled meetings with the Chair of the Board and the Head of Safeguarding Adults, with appropriate provision for the involvement of the Executive Member with political leadership responsibility for safeguarding adults.

4.1 Meetings between the Chair and Leeds City Council Chief Executive

The Chair will meet the Chief Executive four times per year. Two of these will be joint meetings with the Chair of the Leeds Safeguarding Children's Board. The overall purpose of meetings between the Chair and the Chief Executive will be to review progress, consider any strategic or other issues requiring the involvement of the Chief Executive and to give advice and support on the development and delivery of the effective citywide safeguarding of adults.

4.2 Annual Review Meeting

An annual review meeting, including an appraisal of the performance of the Board Chair, will be undertaken by the Chief Executive, following a period of structured feedback from Board Members and the wider Safeguarding Adults Partnership Group.

4.3 Quarterly Meetings between the Chair and the DASS

To ensure the effective and transparent reporting and accountability arrangements between the Director of Adult Social Services and the work of the Leeds Safeguarding Adults Board, the DASS will hold scheduled quarterly meetings with the Chair.

4.4 Joint Meeting with Executive Member

Joint meetings between the DASS, the Board Chair and the Executive Member will be arranged at six-monthly intervals. The principal purpose will be to ensure the Lead Member is briefed on safeguarding adults priorities, performance, annual reports and safeguarding adults reviews and has the opportunity to raise and discuss any matters consistent with his or her political leadership role provided for in Statutory Guidance. The DASS will agree the agenda with the Executive Member.

4.5 Quarterly Meetings between the DASS and the Head of Safeguarding

The DASS will ensure that quarterly meetings take place with the Head of Safeguarding Adults. Two meetings will be alone and two with the Chair of the Board. The focus of the discussion will be partnership working and the functioning of the Board sub -groups, quality assurance and performance management.

5. Equalities And Inclusion

The Safeguarding Adults Board values the benefits of diversity and ensures fair treatment and equality of opportunity. Information on safeguarding will include appropriate information, subject to availability, on gender, disability and ethnicity. Equality impact assessments will be undertaken in the formulation of policies and procedures and the impact of safeguarding work on equalities will be monitored by the policies and procedures sub-group and reported to the Board, as necessary.

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.

6. Commencement & Review

The commencement date for this Constitution is **1st October 2015**. Each Board member will progress the Constitution through its own governance arrangements so that it can be signed as approved by the Chief Executive or Chief Officer of the Board member organisation.

The Memorandum will be reviewed at three yearly intervals, or as agreed (see Section 9, Termination and Variation, below).

7. Termination & Variation

This Constitution may only be terminated by the Safeguarding Adults Board, subject to the Director of Adult Social Services endorsing the termination and approval being received from two thirds of the Board members, including all the core members.

The Board will review membership and co-options each year. Any proposed changes to Board membership may only be made in consultation with the Director of Adult Social Services.

Amendments to this Constitution may be proposed by the Board at any time, subject to the Director of Adult Social Services endorsing the proposed amendment and approval being received from two thirds of the Board members, including all the core members.

Signatures of Safeguarding Adult Board Members

Board member	Name of Signatory	Designation	Signature	Date of Signature
Leeds City Council Adult Social Care				
Leeds CCGs (also representing Yorkshire Ambulance Service)				
West Yorkshire Police				
Leeds Teaching Hospitals NHS Trust				
Leeds Community Healthcare NHS Trust				
Leeds and York Partnership Foundation NHS Trust				
Healthwatch Leeds				
National Probation Service (West Yorkshire)				
Community Rehabilitation Company (West Yorkshire)				

Board member	Name of Signatory	Designation	Signature	Date of Signature
West Yorkshire Fire and Rescue Service				
Citizen representative				
Voluntary, Community and Faith Organisations				
Leeds City Council Housing				
Leeds City Council Public Health				
The Prison Service				

Annex 1 Terms of Reference of Sub-Groups and Task and Finish Groups

There are four sub-groups of the board:

- Quality Assurance and Performance (incorporating policy and procedures work)
- Learning and Improvement
- Citizen Engagement (incorporating communications work)
- Safeguarding Adults Reviews

Task and finish groups may be set up from time to time to take forward particular pieces of work.

The chair of each sub-group or task and finish group will agree the group's term of reference with the sub-group members and report these to the SAB for approval. Terms of references will include:

- **The Purpose and deliverables of the sub-group/task and finish group**
- **The Chair (and vice-chair, if applicable)**
- **Administrative support arrangements**
- **Frequency of Meetings/Anticipated time-frame for a time-limited group.**
- **Membership, including the person and organisation, where applicable.**

Representative	Organisation

Annex 2 Role Descriptions

Annex 2.1 Role Description for Board Member Representatives

This role description for representatives of Board Members reflects the Board's remit and responsibilities. This is a leadership and strategic role and requires all representatives of Board Member to:

1. Be a Head of Organisation or a direct report and possess sufficient seniority and authority to speak on behalf of their organisations, sustain strategic direction, and be able to commit resources or directly feed into organisation decision-making that can commit resources as appropriate
2. Share responsibility for ensuring Board effectiveness
3. Act as the principal link between their organisation and the Board with appropriate links to other safeguarding mechanisms as appropriate, feeding back to both their organisation and the Board on safeguarding issues and ensuring the dissemination of information to their own organisation
4. Lead and remain accountable for safeguarding activity within their organisation
5. Be prepared to act as both an organisation and multi-organisation champion and bring good communication skills, promoting staff awareness of policy in statutory, voluntary and independent sectors
6. Accept corporate Board responsibility as well as accountability to Member organisation for effective safeguarding policy and practice.
7. Identify a nominated deputy to represent their organisation at meetings in the event they are unable to attend
8. Support a strong customer focus for a diverse and multi-cultural community and in keeping people informed and involved
9. Raise the profile, and promote the role, of the Safeguarding Adults Board in the community
10. Plan for the future and set direction to improve safeguarding adults work
11. Constructively challenge and contribute to the development of strategy and action to ensure adult safeguarding in Leeds is fit for purpose.
12. Bring confidence in scrutinising performance and progress against agreed plans.
13. Work towards reasonable assurance on operation of multi-organisation policies, procedures, performance and use of resources.
14. Demonstrate understanding of, and commitment to, relevant legislation and statutory guidance
15. Undertake induction and personal development activity and participate in Board learning activity.
16. Participate in Board sub-groups.
17. Provide an annual statement to the Board, no later than 28th February, setting out:
 - Their organisation's role in the work and the specific professional responsibilities and legal obligations their organisation has/will adopt in relation to Safeguarding Adults work
 - Their internal implementation of Safeguarding Adults work
 - Their organisation's work to implement the Board strategy
 - Information relating to ensuring all staff and volunteers have the understanding and skills to carry out their roles and responsibilities in relation to this work.

Annex 2.2 Role Description for Chairs of Sub-Groups or Task and Finish Groups

Sub-group Chairs have a leadership and strategic role. The Chair is or will become a member of the Board and work with the Board Chair to:

1. Ensure sub-group effectiveness and promote constructive relations among members to successfully deliver the sub-group's work.
2. Provide group leadership; agreeing and setting direction to improve safeguarding with specific reference to the sub-group remit.
3. Demonstrate understanding of, and commitment to, the Safeguarding Adults Principles
4. Act as a multi-agency champion for Safeguarding Adults and work to raise the profile of the Safeguarding Adults Board.
5. Promote corporate group responsibility as well as accountability to nominating agencies for effective city-wide work
6. Promote a strong customer focus within a diverse and multicultural community and keep stakeholders informed and involved.
7. Ensure provision of accurate, timely and clear information to the Group and to the Board.
8. Work with other sub-group chairs, meeting as necessary before and after Board meetings, as required.
9. Encourage scrutiny of progress and performance against agreed goals and work plans and share in the overall leadership of the Board.
10. Constructively challenge and contribute to the development of strategy and action to ensure safeguarding is fit for purpose.
11. Work to secure reasonable assurance on operation of multi-agency policies, procedures, performance and use of resources.
12. Participate in personal and Board development activity.

Annex 3 Board Meeting Arrangements

Annex 3.1 Frequency of Meetings

The Board meets six times a year with additional meetings arranged as necessary to set and maintain strategic direction and meet delivery requirements. Development sessions and conferences may also be planned from time-to time.

Annex 3.2 Reports

The Safeguarding Adults Partnership Support Unit must receive reports for the Board not later than **seven** working days before the date of the meeting. This is to enable papers to be distributed **five** working days before the meeting.

To ensure proper consideration and discussion of content, tabled reports will not normally be accepted at Board meetings. In exceptional circumstances, tabled reports may be presented at the discretion of the Chair (e.g. updates on information in reports like latest statistics or amplification of content already submitted but not raising new issues of principle). Anyone wishing to defer a report to a later agenda must obtain the agreement of the Chair prior to the circulation of the Agenda for the meeting.

Annex 3.3 Board Business Meeting

The Chair will meet with sub-group chairs and representatives from the Partnership Support Unit, two to three weeks before each Board meeting to agree the agenda for the next Board. The meeting will be supported by the Partnership Support Unit, who will be responsible for producing the agenda and collating and circulating papers to Board Members.

Any Board Member who wishes to request an agenda item should notify the Partnership Support Unit, no later than three weeks before the Board meeting, so that this request can be considered by the Chair at the Board Business Meeting.

Annex 3.4 Agendas, Action Logs, & Minutes of Meetings

The Safeguarding Adults Partnership Support Unit will ensure the circulation of agendas for meetings and supporting papers. This will be done **five** working days before each scheduled meeting and agreed with the Chair as necessary.

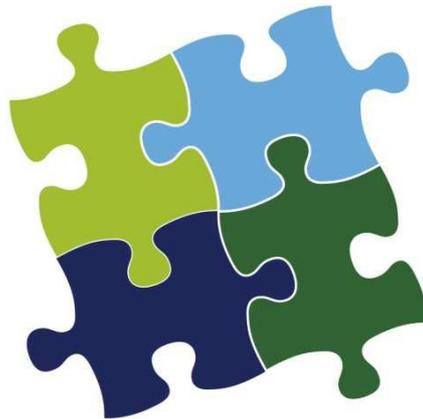
An action log from each Board meeting will be circulated to members within **ten** working days after the meeting.

The draft minutes of each Board meeting will be presented to the next Board meeting for approval. Once approved, public minutes will be placed on the Safeguarding Adults Board website. Confidential or exempt information will form part of a confidential annex for the board only.

Annex 3.5 Co-ordination and Support

The Safeguarding Adults Partnership Support Unit will provide coordination and support for the board meetings.

Annex 4 Information Sharing Agreement



Leeds Safeguarding Adults Board

INFORMATION SHARING AGREEMENT
October 2015

(Annex 4 of the Safeguarding Adults Board Constitution)

Safeguarding the right of adults at risk of abuse or neglect
to live free from abuse & neglect

“Leeds – A Safe Place for Everyone”



**Leeds Safeguarding Adults Board (SAB) Information Sharing Agreement (ISA)
September 2015**

under the Leeds Inter-Agency Protocol for Sharing Information (2008)

This agreement is written to promote the sharing of **personal data and/or sensitive** personal data, as defined by the Data Protection Act (1998) in the specific context of Adult Safeguarding. It is developed under the umbrella of the Leeds Inter-Agency Protocol for Sharing Information (2008)*. It describes a). the information which will be shared between the partner organisations listed and b). the arrangements for assisting compliance with relevant legislation and guidance, including the Data Protection Act (1998). See Section 9 of this Agreement for the legal basis under which personal data and/or sensitive personal data can be shared.

**The Leeds Inter-Agency Information Sharing Protocol provides the local framework for information sharing. This Information Sharing Agreement has been drafted in accordance with the Leeds Inter-Agency Information Sharing Protocol Operational Procedures section which provides good practice guidelines for sharing information. This is currently under review and this agreement will comply with any changes to the protocol.*

The following statement should guide all information sharing within the Leeds Safeguarding Adults Board (SAB) and among partners involved in responding to safeguarding adults concerns:

Whenever there is a need to share personal data and/or sensitive personal data to safeguard an adult at risk of abuse or neglect, the specific reasons for sharing the information should be recorded, along with why it is considered relevant. The volume and detail of information shared must always be sufficient but not excessive for the required purpose. Wherever possible, decisions to share information should be made within the context of appropriate support, rather than by staff acting alone.

Where information is fully anonymised, or is otherwise non-identifiable or wholly statistical in nature it is not necessary to apply this agreement. Care must be taken however to establish that information is fully anonymised, as the obvious fields of person-identifiable data may not be the only positive identifiers within shared material.

Background

The Leeds Safeguarding Adults Board (SAB) recognises the need to provide clear guidance to staff in partner organisations on when and how to share information, in order to both:

- a) prevent abuse or neglect of adults at risk, and
- b) establish facts in order to safeguard and aid the recovery of adults at risk

Information sharing agreements do not in themselves make the sharing of personal data and sensitive personal data legal or ethical. The Data Protection Act (1998) sets out the context in which information may be used legally with this agreement and the over-arching protocol, echoing the legislative framework and promoting best practice and co-operation across partner organisations.

Most recently, the Care Act 2014 set out a clear legal framework for how local authorities and other parts of the system should protect adults at risk of abuse or neglect. Local authorities have new safeguarding duties.

They must:

- **lead a multi-agency local adult safeguarding system** that seeks to prevent abuse and neglect and stop it quickly when it happen
- **make enquiries, or request others to make them**, when they think an adult with care and support needs may be at risk of abuse or neglect and they need to find out what action may be needed
- **establish Safeguarding Adults Boards**, including the local authority, NHS and police, which will develop, share and implement a joint safeguarding strategy
- **carry out Safeguarding Adults Reviews** when someone with care and support needs dies as a result of neglect or abuse and there is a concern that the local authority or its partners could have done more to protect them
- **arrange for an independent advocate** to represent and support a person who is the subject of a safeguarding enquiry or review, if required.

Any relevant person or organisation must provide information to Safeguarding Adults Boards as requested.

Local Authorities must:

- **Cooperate** with each of its relevant partners in order to protect adults experiencing or at risk of abuse or neglect.

More detailed guidance will be developed, in line with this agreement, if required.

1. Parties to the Agreement:

SAB Members
Leeds City Council Adult Social Care
Leeds Clinical Commissioning Groups
West Yorkshire Police
Leeds Community Healthcare NHS Trust
Leeds Teaching Hospitals NHS Trust
Leeds and York Partnership NHS Foundation Trust
Healthwatch Leeds
West Yorkshire Community Rehabilitation Service
National Probation Service (West Yorkshire)
Leeds City Council Housing Services
West Yorkshire Fire and Rescue Service
The Prison Service
Leeds City Council Public Health
Advonet on behalf of Voluntary, Community and Faith Sector organisations

2. Information Sharing Purposes:

1. To seek advice about a specific adult safeguarding situation or to establish grounds for an adult safeguarding response.
2. To prevent or detect a crime, or support the prosecution of offenders.
3. To raise a safeguarding adults concern.
4. To safeguard an adult at risk.
5. To make a referral to a partner organisation for immediate action to protect an adult.
6. To establish the potential need for involvement of partner organisations in adult safeguarding work (enquiry, prosecution or protection arrangements).
7. To plan an adult safeguarding enquiry.
8. To initiate and conduct an adult safeguarding enquiry.
9. To make a referral to organisations for the purposes of requesting or amending services to persons at risk of abuse or neglect.
10. To make a referral to organisations for the purposes of requesting or amending services to persons or organisations alleged to have caused harm (also known as “source of risk”).
11. To notify the Designated Adult Safeguarding Manager (DASM) about a person in a position of trust who poses a risk to children or adults of abuse or neglect.
12. To make a referral to the Disclosure and Barring Service (DBS) or to provide information to the DBS for the purposes of them coming to a barring decision.
13. To make a referral, or to provide information, to a professional regulator for the purposes of them coming to a decision.
14. To notify the Care Quality Commission who may need to take action relating to a source of risk that is a registered care provider.
15. To notify the Charity Commission who may need to take action relating to an organisation alleged to have caused harm (also known as “source of risk”) that is a registered charity.
16. To notify employers who may need to take action about a member of staff, a volunteer or a student (paid or unpaid) who is believed to be a source of risk in the course of their work.
17. To notify service providers of a risk posed by a service user.
18. To inform the development of multi-agency policies and strategies for protecting adults at risk of abuse.
19. To monitor and review adult safeguarding concerns and the impact of adult safeguarding policies and procedures, including both the equalities (race, ethnicity, gender, sexuality, age, disadvantage and disability) impact of the policies and the outcomes for individuals. This may include both quantitative and qualitative information, personal data and sensitive personal data, the personal views of individuals and expressions of relevant professional opinion.
20. To conduct safeguarding adults reviews.
21. To deal with complaints, grievances and professional and administrative malpractice.

3. Information to be Shared:

What types of information will be shared?

There are two distinct classifications of data covered by the Data Protection Act (1998): Personal data and sensitive personal data.

Personal data includes data relating to a living individual who can be positively identified from the data, or from the data and other information which is at the disposal of other individuals or is in the public domain. Personal data includes obvious identifiers such as names, addresses, dates of birth, as well as NHS or National Insurance numbers. Facial photographs and CCTV footage are also regarded as personal data, as are descriptions or photographic records of unique scars, tattoos or other markings.

Sensitive personal data includes data relating to racial or ethnic origins, religious beliefs or similar belief systems, political opinions and affiliations, trade union membership, physical or mental health (including disabilities), sexual life, the commission or alleged commission of offences, and criminal proceedings.

Information relating to adult safeguarding may involve a wide range of both personal data and sensitive personal data, in circumstances relating to many types of abuse and neglect (further descriptions can be found within the Care & Support Statutory Guidance – issued under the Care Act 2014 - section 14.17, and local authorities are advised not to limit their view of what constitutes abuse or neglect, as they can take many forms and the circumstances of the individual case should always be considered):

- Physical abuse
- Domestic violence
- Sexual abuse
- Sexual exploitation
- Psychological abuse
- Financial or material abuse
- Modern slavery
- Discriminatory abuse
- Organisational abuse
- Neglect and acts of omission
- Self-neglect

It is impossible to cover all potential scenarios in this agreement. The guidance is therefore to:

1. Share as much as, but no more than, is necessary.
2. Always document the reasons for sharing personal data and sensitive personal data.
3. Record why it is believed the data shared is relevant and proportionate.

4. Methods Used for Sharing:

Within the Safeguarding Process, information may be transferred in the following ways:

- Verbally, face to face, in meetings or on the telephone.
- In written communications, (for example, forms, minutes, letters, statements or reports) transferred in hard copy through internal or external mail services.
- Documents transferred on encrypted electronic digital media devices.
- In written information transferred by secure email, or secure file transfer systems.
- Information accessed in situ, via provision of access to organisational databases or records.

When each of these methods is used it is essential to consider the safest way to record and mark the information, and to ensure safe transit and delivery. Information should be appropriately secured in transit, transferred by methods aligned to the best practice specified in the "Protecting Information in Government Report – January 2010".

1. Verbal conversations and interviews should be recorded in a written statement that is agreed by the information giver. Care must be taken to record and denote information clearly as fact, statement or opinion and to attribute any statement or opinion to the owner. All information should be recorded in such a way that it can be used as evidence in court, should that be required at a later date.
2. Meetings should be recorded in minutes that are agreed by the delegates present.
3. Written communications containing confidential information should be transferred in a sealed envelope and addressed by name to the designated person within each organisation. They should be clearly marked "Private & Confidential – to be opened by the recipient only".
4. When files are transferred on electronic digital media devices, the files should be encrypted to an appropriate standard, with decryption keys / passwords supplied separately.
5. When confidential information is sent by email, it should be sent and received using secure government domain email addresses, to ensure encryption of information in transit. The full list of secure Government email systems are below. They have email addresses ending:
 - .cjsm.net (Criminal and Justice)
 - .gcsx.gov.uk (Local Government/Social Services)
 - .gse.gov.uk (Central Government)
 - .gsi.gov.uk (Central Government including Department of Health)
 - .gsx.gov.uk (Central Government)
 - .hscic.gov.uk (The Health and Social Care Information Centre)
 - .mod.uk (Military)
 - .nhs.net (NHSmail)
 - .pnn.police.uk (Police)
 - .scn.gov.uk (Criminal and Justice)

6. In-transit security is reliant on BOTH the sender AND recipient using one of the email domains listed above. In the absence of this, the SENDER will need to encrypt the content of the email using additional software. This may be achieved by sending an encrypted attachment. Other methods include using the Leeds City Council Mail Express system, or the NHSmail [SECURE] system. In all transfer scenarios, the onus is on the SENDER to ensure that:
- Information is transferred securely
 - The chosen method is acceptable to and workable by the recipient
 - Information has reached the required recipient
7. In the event that a recipient receives information by an unsecured route, it is incumbent on the recipient to advise the sender and agree a secure route for future transfers of information.

5. Need to Know

Key roles of individuals within the Safeguarding process will govern whether they need to know information about adults at risk, alleged sources of risk, witnesses and other information pertaining to incidents.

In addition to those raising or responding to safeguarding adults concerns, other people who may contribute and receive information include other staff and managers, volunteers, family members, carers and witnesses. These people may be invited to contribute to strategy discussions or meetings, enquiries and case conferences and reviews.

At all times, it is essential to be certain of the reasons why an individual or a meeting needs access to the information, that is, is it necessary for this individual or meeting to know this information in order to conduct the enquiry or to safeguard an adult at risk or witness.

Where an enquiry involves more than one adult at risk, it may be necessary to partition meetings so that contributors can be invited only for specific items, based on their need to know.

6. Supporting Documentation:

Leeds Inter-Agency Protocol for Sharing Information (2008), and supporting documentation (updated May 2015) (available on <http://www.this.nhs.uk>)

Department of Health: Care and Support Statutory Guidance – issued under the Care Act 2014 (available on <https://www.gov.uk/Care and Support>)

Safeguarding Adults Multi Agency Policy and Procedure for West Yorkshire and North Yorkshire, 2015.
(available on www.leedssafeguardingadults.org.uk)

Leeds Mental Capacity Act Policy and Procedure, and Mental Capacity Assessment and Best Interest Decision Recording Tools
(available on www.leedssafeguardingadults.org.uk)

ICO Data Sharing Code of Practice for Sharing of Personal Data
(available at <http://www.ico.gov.uk/>)

Safeguarding Adults Board advice line (phone 0113 224 3511) (other useful contacts available on: <http://www.leedssafeguardingadults.org.uk/Pages/UsefulContacts.aspx>)

Protecting Information in Government Report (January 2010)
(<http://systems.hscic.gov.uk/infogov/links/caboffprotectinfo.pdf>)

Advice is available from each organisation's Data Protection specialist or Caldicott Guardian.

7. Information Retention and Disposal:

The Data Protection Act (1998) requires that personal data and sensitive personal data is not retained for longer than necessary. Partner organisations may have their own organisational, legal or procedural requirements for records retention and disposal. These retention schedules should be observed and applied at all times.

Where no such organisational procedure exists, it is essential to keep pertinent information as long as there continues to be a need for protection arrangements, to ensure that protection arrangements are not compromised and equally that such information is securely disposed of when no longer required.

8. Staff Development Issues:

Organisational development needs relating to information sharing in the safeguarding adults process form part of the competencies required in operational safeguarding work, based on key roles within the safeguarding process, and the competencies required:

- Level 1: Recognising Safeguarding Adults Concerns
- Level 2: Raising Safeguarding Adults Concerns
- Level 3: Making Enquiries
- Level 4: Safeguarding Adults Coordination, Causing Enquiries to be made and other specialist safeguarding work

As part of each Board Member's contribution to the Learning and Improvement sub-group of the Safeguarding Adults Board, the needs of its workforce are considered and fed into training requirements for both the individual organisation and the partnership as a whole.

9. Legal Basis for Sharing:

While it is regarded as good practice for staff and volunteers to seek consent from individuals before sharing their personal data and/or sensitive personal data – sharing information to safeguard adults at risk, or to cooperate with other individuals or organisations that are working to protect adults at risk, is a Local Authority duty under sections (6), (7) & (45) of the Care Act 2014.

Furthermore, the principles guiding the sharing of information to safeguard adults at risk are described in more detail within section 3 of the Leeds Inter-Agency Protocol for Sharing Information (2008) (see link in Supporting Documentation above).

Legal basis:

Schedule 2 (5)(b) of the Data Protection Act 1998 “for the exercise of any functions conferred on any person by or under any enactment”

Schedule 3 (7)(1)(b) of the Data Protection Act 1998 “for the exercise of any functions conferred on any person by or under any enactment”

Under Part 1 of the Care Act 2014, Local Authorities have a statutory duty to:

- cooperate with other persons in the exercise of functions relating to adults with needs for care and support, and to carers (Sections 6 & 7)
- notify receiving LA when an adult receiving care and support moves (Section 37)
- comply with request for information by Safeguarding Adults Board to enable or assist the SAB to exercise its functions. This could include information about individuals (Section 45 – See part 10 of this agreement for further guidance)
- Involvement of independent advocate in assessments, plans etc. (Section 67)
- Involvement of independent advocate in Safeguarding (Section 68)

It is necessary for Leeds City Council Adult Social Care to share the personal information outlined within this agreement in order that the Authority to fulfil its statutory duties under the Care Act 2014. Statutory guidance is available on all parts of this Act.

General guidance:

If consent is obtained, where appropriate, it should be recorded using approved consent documentation and/or information systems. Where it is not possible to obtain consent, this could be because:

- the individual does not have the mental capacity to consent
- it may not be safe to seek consent
- it may not be possible to seek consent for some other reason

In cases where it has not been possible to seek or obtain consent, staff or volunteers should always record the justification for sharing the information, and how this decision was arrived at.

If the individual does not have the mental capacity to consent, staff or volunteers should record this using their agency’s Mental Capacity Assessment recording tool, and record their decisions to share information using their agency’s Best Interests Decision recording tool.

For further advice on justifiable grounds for sharing information, contact your organisation’s Data Protection specialist or Caldicott Guardian.

Other relevant legislation and guidance

Criminal Justice Act 2003
Criminal Procedures and Investigations Act 1996
Civil Contingencies Act 2004
Regulation of Investigatory Powers Act 2000
Homelessness Act 2002
Safeguarding Vulnerable Groups Act 2006, as amended by the Protection of Freedoms Act 2012
Mental Capacity Act 2005
Local Government Act 2000
Mental Health Act 1983 (as amended in 2007)
Common Law Duty of Confidentiality

10. Reluctance to share information (applying Section 45):

In the event that an organisation declines to share information considered necessary to enable the Board to exercise its functions, consideration should be given to whether the concern warrants the Board exercising Section 45 of the Care Act.

A 'Supply of Information' request made by the Board, under Section 45 of the Act, must be complied with by the recipient organisation, unless it would be 'incompatible with their own duties or have an adverse effect on the exercise of their functions'.

Such supply of information requests may concern, but are not necessarily limited to, Safeguarding Adults Reviews and the undertaking of safeguarding enquiries.

Requests for the Board to exercise Section 45 must be made in writing to the Chair of the Safeguarding Adults Board by the organisation's Board Member or Deputy, detailing how the relevant criteria is met.

Wherever practicable, the Chair of the Board will seek the views of statutory members of the Board, before reaching a decision as to whether to exercise Section 45. This may not always be possible for example, where such a delay would place an individual at further risk.

11. Organisational Data Protection Contacts

Contact details for staff who can provide advice/support in relation to this Information Sharing Agreement:

Organisation	Lead Officer	Contact details
Leeds City Council Head of Safeguarding Adults	Hilary Paxton	hilary.paxton@leeds.gov.uk
Leeds City Council Adult Social Care	Louise Whitworth	Louise.WhitworthWoodhead@leeds.gov.uk
Leeds City Council Children's Services	Nicola Palmer	Nicola.Palmer@leeds.gov.uk
Leeds Clinical Commissioning Groups	Paul Crompton	p.crompton@nhs.net (Leeds South and East)
	Laura Parsons	laura.parsons2@nhs.net (Leeds West)
	Stephen Gregg	stephen.gregg@nhs.net (Leeds North)
West Yorkshire Police	Supt Sam Millar	samantha.millar@westyorkshire.pnn.police.uk
Leeds Community Healthcare NHS Trust	Darren Rigg	Darren.Rigg@nhs.net
Leeds Teaching Hospitals NHS Trust	Johnny Chagger	johnny.chagger@nhs.net
Leeds and York Partnership NHS Foundation Trust	Carl Starbuck	Carl.Starbuck@nhs.net
Healthwatch Leeds	Tanya Matilainen	tanya@healthwatchleeds.co.uk
West Yorkshire Community Rehabilitation Service	Sandra Chatter	sandra.chatter@west-yorkshire.probation.gsi.gov.uk
National Probation Service (NE) - West Yorkshire	Andrew Chandler	Andrew.Chandler@probation.gsi.gov.uk
Leeds City Council Housing Services	Lorna Kelly	Lorna.Kelly@leeds.gov.uk
West Yorkshire Fire and Rescue Service	Allan Darby	Allan.darby@westyorkfire.gov.uk
The Prison Service	Andrew Dickinson – HMP Wealstun	andrew.dickinson@hmps.gsi.gov.uk
Leeds City Council Public Health	Nichola Stephens	Nichola.Stephens@leeds.gov.uk
Advonet on behalf of Voluntary, Community and Faith Sector organisations	Philip Bramson Katie Whitham	Philip.Bramson@advonet.org.uk Katie.Whitham@advonet.org.uk

12. Access Agreements

Where information is to be shared via granting inter-organisational access to systems operated by partner organisations, the 'owning' organisation of the system will draft and agree an Access Agreement with the partner organisation to govern the activities of partner staff using the system.

A template for this purpose can be found in the Leeds Inter-Agency Protocol for Sharing Information.

13. Discipline

Although this agreement seeks to promote the sharing of information between partner organisations, use of the information shared should never exceed the purposes or intentions of the original reason for sharing.

Where allegations are made that information has been used inappropriately, or that the confidentiality of subjects has been breached, partner organisations will co-operate in a full and frank enquiry of these allegations.

In the event that any wilful misconduct is substantiated which resulted in a breach of subject confidentiality, this will be regarded as an act of serious or gross misconduct and acted upon accordingly.

14. Performance of this Agreement

Should any member of staff or volunteer working for a partner organisation feel that the letter and spirit of this agreement is not being honoured, or that barriers to legitimate sharing of information are being raised, this should be communicated to their organisation’s representative on the Leeds Safeguarding Adults Board, who will in turn follow this up with their counterparts and Data Protection leads in the Member organisation.

Approved by (Signatory Name):

Signature:

For (Member Organisation):

Date:

Once signed, this document should be sent to the Leeds Safeguarding Adults Board Support Team. Copies should be retained by the named person above and be made available for inspection. A copy should also be sent to the Data Protection Officer/ Caldicott Guardian of each partner organisation, if this is a different person.



**Leeds Safeguarding
Adults Board**

Dispute Resolution and Escalation Process

Version 1:	Included within the LSAB Constitution 2015
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Introduction

Where there is a concern that someone's practice or decision making is not responding appropriately to a safeguarding concern, practitioners have a responsibility to respectfully challenge the other practitioner or organisation.

In order to support that challenge, a clear process needs to be in place to ensure that all professionals involved in multi-organisation work understand the steps they should take when these concerns arise. This process should be measured in its approach to allow practitioners and organisations the opportunity to openly discuss their concerns with others. Some disagreements, however, may need to be escalated up to first line managers (and beyond if appropriate) who should address any concerns.

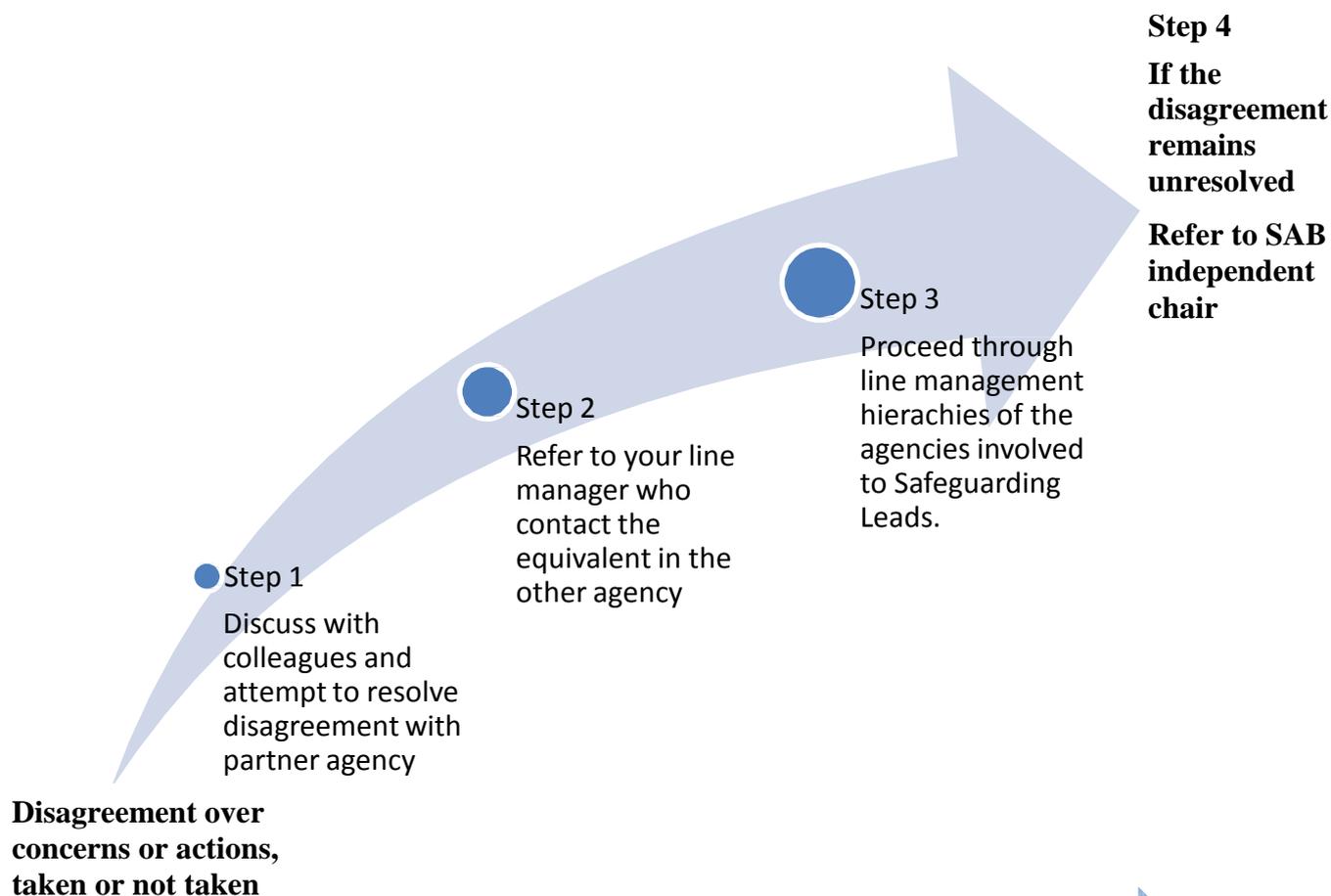
Principles of concerns resolution

When trying to resolve disagreements, practitioners and organisations should work within the following principles:

- The safety and wellbeing of any person at risk of abuse or neglect, should be the primary consideration
- The adult's wishes and desired outcomes should be a central to how disagreements are resolved
- Safeguarding responses should be proportional to the safeguarding concern
- All practitioners have a shared responsibility to solve problems and resolve disagreements constructively.
- Different professional perspectives, organisational responsibilities, and accountability frameworks need to be respected
- Disagreements must be resolved in a timely manner
- Concerns, actions, responses and outcomes must be recorded.

Resolving concerns

When disagreements arise, the following steps should be undertaken:



Resolution should be completed at the earliest opportunity taking into consideration the nature and seriousness of any presenting risk. The adult at risk or their representative should be kept informed as appropriate.

Step 1

Immediately discuss with colleagues to clarify thinking and practice. Refer to any relevant policy and procedures and practice guidance that may be relevant. Reflect on the nature of the concerns and the risk, as well as the wishes and desired outcomes of the adult at risk. Consult with your organisation's named/designated Safeguarding Adults Lead as appropriate. Having considered these issues, and sought advice, try to resolve any disagreements with practitioners from the other organisation

Step 2

If following this clarification the disagreement remains unresolved, immediately refer this to your line manager. The line manager should consult with your organisation's named/designated Safeguarding Adults Lead as appropriate. Having considered the issue, and sought advice, the line manager should seek to resolve the concerns in discussion with the line manager of the other practitioner.

Step 3

If agreement cannot be reached following discussions between first line managers the issue must be referred without delay through the line management structure to the operational Safeguarding Adults Lead for each organisation, seeking their advice at each step.

Step 4

In the unlikely event that the steps outlined above do not resolve the issue, and / or the discussions raise significant policy/procedure issues and / or a number of similar concerns or disagreements have been recorded, the matter should be referred to the chair of Leeds Safeguarding Adults Board to determine the appropriate process for resolution.

Clear written records should be kept by everyone at all stages, which must include written confirmation between the parties about agreed resolutions and the proposed follow-up of any outstanding issues.

Contacts

Leeds Safeguarding Adults Board, Independent Chair:

Email: LSABChair@leeds.gcsx.gov.uk