


Health and Wellbeing Board 24th March 2014	
Report of the London Borough of Tower Hamlets	Classification: Unrestricted
Protocol in support of the relationship between the Tower Hamlets Health and Wellbeing Board, the Tower Hamlets Local Safeguarding Children Board and the Tower Hamlets Local Safeguarding Adults Board	

Lead Officer	Robert McCulloch-Graham
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Executive Key Decision?	No

Executive Summary

The attached protocol sets out the relationship between the Tower Hamlets Health and Wellbeing Board and two multi agency safeguarding boards: the Local Safeguarding Children’s Board and the Safeguarding Adults Board.

The protocol recognises the importance of safeguarding in health, and vice versa. It has been designed to set out formally the influence the safeguarding boards will have with the Health and Wellbeing Board and the Health and Wellbeing Board with the Safeguarding Boards. The protocol sets out recommended annual timescales for sharing of plans and priorities.

Recommendations:

The Health and Wellbeing Board is recommended to:

1. Agree the attached Protocol in support of the relationship between the Tower Hamlets Health and Wellbeing Board, the Tower Hamlets Local Safeguarding Children Board and the Tower Hamlets Local Safeguarding Adults Board
2. Note the timescales for sharing for plans and priorities set out in the protocol and below.

1. REASONS FOR THE DECISIONS

- 1.1 Understanding and planning for safeguarding in health is key to achieving the best outcomes for the residents of Tower Hamlets. With the formal establishment of the HWBB, it is therefore timely to agree a protocol for the ongoing relationship between the HWBB and the two Safeguarding Boards, ensuring that each Board is able to comment on safeguarding and health elements of health and safeguarding plans, and to feed into future priority setting.

2. ALTERNATIVE OPTIONS

- 2.1 The alternative option is to not have a protocol between the three boards. This option is not recommended as there is a risk that without the protocol safeguarding/health elements may not receive the full and regular consideration they are due.

3. DETAILS OF REPORT

- 3.1 Health and Wellbeing Boards (HWBB) were established by the Health and Social Care Act 2012. They are intended to be a forum where key leaders from the health and care system work together to improve the health and Wellbeing of their local population and reduce health inequalities.
- 3.2 The Children Act 2004 required each local authority to establish a Local Safeguarding Children Board (LSCB). It is the key statutory mechanism for agreeing how the relevant organisations in each local area will co-operate to safeguard and promote the welfare of children and to ensure that these agencies are effective. It operates under guidelines known as 'Working Together to Safeguard Children'; the latest version came into effect from 15th April 2013.
- 3.3 Safeguarding Adult Boards (SABs) are not currently statutory bodies but will assume this status with the passage of the forthcoming Care Bill. Currently Boards operate within the framework promoted by 'No Secrets' which was published by the Department of Health and the Home Office in March 2000 and by 'Safeguarding Adults' which was published by the then Association of Directors of Social Services in October 2005. In March 2013, NHS England published a document 'Safeguarding Vulnerable People in the Reformed NHS- Accountability and Assurance Framework' which gave guidance on the relationships between the Safeguarding Boards and the HWBB (section 4.2).
- 3.4 Following discussions at between the Independent Chair of Tower Hamlets Safeguarding Adults Board, the Independent Chair of the Tower Hamlets Local Safeguarding Children's Board and the Chair of the Tower Hamlets Health and Wellbeing Board, it was agreed at the September 2013 Shadow HWBB that there should be a formal agreement outlining this relationship.

- 3.5 This Tower Hamlets Protocol sets out the distinct roles and responsibilities of the Boards, the interrelationships between them in terms of safeguarding, and wellbeing and the means to ensure effective co-ordination between the Boards.
- 3.6 This agreement will be discussed at the next meetings of both Safeguarding Boards and then circulated to the HWB for ratification.
- 3.7 Key timescales to note within the protocol are as follows:
- Between April and July each year, the Safeguarding Boards will share their proposed business plans with the Health and Wellbeing Board for challenge.
 - Between May and September each year, the Health and Wellbeing Board will present to the Safeguarding Boards the review of the Health and Wellbeing Strategy, an update on the JSNA with the proposed priorities and objectives to enable the safeguarding boards to challenge performance of the Health and Wellbeing Board.
 - Between September and December each year, the Independent Chairs of the two Safeguarding Boards will present to the Health and Wellbeing Board their annual reports outlining performance against business plan objectives in the previous financial year. This will be supplemented by a position statement on the Boards' performance in the current financial year. This will provide the opportunity for the Health and Wellbeing Board to challenge the performance of the Boards, to draw across data to be included in the JSNA and to reflect on key issues that may need to be incorporated in any refresh of the Health and Wellbeing Strategy.

4. COMMENTS OF THE CHIEF FINANCE OFFICER

- 4.1. There are no financial implications arising from this report, which deals with governance arrangements.

5. LEGALCOMMENTS

- 5.1. The attached Protocol sets out the distinct roles and responsibilities arising from the statutory functions of the Health and Wellbeing Board (“**HWB**”) and Local Safeguarding Children’s Board (“**LSCB**”) and the functions of the Safeguarding Adults Board (“**SAB**”), which is soon to be placed on a statutory basis under the Care Bill. The Protocol may need to be reviewed for statutory compliance once the final version of the Care Bill is enacted later this year. The legal functions of these Boards are set out in detail in the body of the Protocol.
- 5.2. This Protocol is consistent with the general policy, reflected in the Health and Social Care Act 2012, of giving HWBs responsibility for joint health and wellbeing strategies and the joint strategic needs assessment. Importantly,

the Protocol recognises the separate legal responsibilities of each of the Boards, and does not subsume the LSCB or SAB within the role of the HWB but gives each a safeguarding and scrutiny role towards each other, to improve accountability.

5.3. The HWB is asked to agree the Protocol at its meeting on 24 March 2014. This agreement is within the terms of reference of the HWB agreed by the Mayor in Cabinet on 4 December 2013, which include the following functions –

- To encourage integrated working between persons who arrange for the provision of any health or social services in Tower Hamlets for the advancement of the health and wellbeing of the people in Tower Hamlets.
- To provide advice, assistance or other support in order to encourage partnership arrangements under Section 75 of the NHS Act 2006.
- To identify needs across Tower Hamlets and publish and refresh the Joint Strategic Needs Assessment (“**JSNA**”) so that future commissioning/policy decisions are based on evidence.
- To have oversight of the quality, safety and performance mechanisms operated by member organisations of the Board, and the use of relevant public sector resources across a wide spectrum of services and interventions, with greater focus of integration across outcomes spanning health care, social care and public health. Areas of focus to be agreed by the Board from time to time by members of the Board as part of work planning for the Board.

5.4. Given that the Protocol is focussed on achieving better service integration and through effective coordination in delivering and evaluating safeguarding strategy between the Boards and an integrated approach to the JSNA, it is reasonable for the HWB to be asked to endorse the Protocol. It falls within the HWB functions of encouraging integration and supporting partnerships under section 75 of the NHS Act 2006 and ensuring quality, safety and performance mechanism are operated by members of the Board. As the HWB has statutory status, due regard should be given to its decision making authority within its terms of reference.

5.5. There are no significant financial implications for the Council, requiring an executive decision by the Mayor and as this matter falls within the Terms of Reference of the HWB agreeing the Protocol is within the remit of the Board.

5.6. When planning for integration of health and social care functions, the Council and its committees must have due regard to the need to eliminate unlawful conduct under the Equality Act 2010, the need to advance equality of opportunity and the need to foster good relations between persons who share a protected characteristic and those who don't. Some form of equality analysis will be required and officers will have to decide how extensive this should be.

6. ONE TOWER HAMLETS CONSIDERATIONS

6.1 The are no specific equality and diversity implications, although specific consideration will be given to children’s safeguarding and safeguarding of vulnerable adults.

7. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT

7.1 N/A

8. RISK MANAGEMENT IMPLICATIONS

8.1 The proposals in the report, and set out in the protocol, will enhance influence and cross-board working, mitigating the risk that strategies and plans around health and safeguarding are produced in silo and without regard to each other.

9. CRIME AND DISORDER REDUCTION IMPLICATIONS

9.1 No specific implications.

10. EFFICIENCY STATEMENT

10.1 No specific implications, establishing formalised channels of work between the Boards should foster more focused outcomes around health and wellbeing and safeguarding which in turn could improve efficiency and value for money.

Appendices and Background Documents

Appendices

- i. Protocol in support of the relationship between the Tower Hamlets Health and Wellbeing Board, the Tower Hamlets Local Safeguarding Children Board and the Tower Hamlets Local Safeguarding Adults Board
- ii. Tower Hamlets Health and Wellbeing Board Terms of Reference
- iii. Tower Hamlets Local Children’s Safeguarding Board Terms of Reference
- iv. Objectives and core essentials of the Tower Hamlets Safeguarding Adults Board

Background Documents

None.