

## **Memorandum of Understanding between the Essex Health Overview & Scrutiny Committee, the Essex Safeguarding Children Board and the Essex Safeguarding Adults Boards**

### **Introduction**

1. There is a desire for the Essex Safeguarding Children Board and the Essex Safeguarding Adults Boards ('the Safeguarding Boards') to support the Essex Health Overview & Scrutiny Committee (HOSC) in providing a robust scrutiny challenge to health commissioners and providers.
2. This Memorandum of Understanding ("Memorandum") sets out the framework for co-operation and joint working between the HOSC and the Safeguarding Boards.
3. Through this Memorandum we aim to ensure that each body is also able to continue to focus on its core role and responsibility and maintain its operational and statutory independence.

### **Statutory responsibilities and role of Essex HOSC and the Safeguarding Boards**

4. **The HOSC** is an Essex County Council (the Council) committee fulfilling the Council's responsibilities under 'The Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013' to have a health scrutiny provision. Its role is to hold NHS bodies to account for the quality of their services through their powers to obtain information ask questions in public and make recommendations for improvements that have to be considered. HOSC can refer matters via full Council to the Secretary of State. All commissioners and providers of publicly funded health and social care are covered by HOSC.

#### **5. The Safeguarding Boards**

The Essex Safeguarding Children Board is a statutory body which acts as a mechanism for agreeing how relevant organisations in Essex co-operate to safeguard and promote the welfare of children and young people.

Section 14 Children Act 2004 sets out the objectives of LSCBs, which are:

- (a) to coordinate what is done by each person or body represented on the Board for the purposes of safeguarding and promoting the welfare of children in the area; and
- (b) to ensure the effectiveness of what is done by each such person or body for those purposes.

The Essex Safeguarding Adult Board is a statutory body created by Section 43 of the Care Act 2014 (ESAB). The Act sets out the ESAB's main objective which is to assure itself that local safeguarding arrangements and partners act to help and protect adults in its local area who:

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- Have needs for care and support (whether or not the local authority is meeting any of those needs) and;
- Are experiencing, or at risk of, abuse or neglect; and as a result of those care and support needs are unable to protect themselves from either the risk of, or the experience of abuse or neglect

Both ESAB and ESCB have a duty to ensure that agencies co-operate and the purpose of this document is to ensure that the co-ordination of the activities of the two Boards and the HOSC is achieved as far as possible.

### Principles of cooperation

6. The HOSC and the Safeguarding Boards have agreed that the following principles will shape their working relationship:
  - a. **Clear accountability** – each body must be accountable for its actions and will respect each other's formal roles;
  - b. **Openness and transparency** – the HOSC has a duty to operate in a public forum and where appropriate its scrutiny work is undertaken in this way. The majority of the work of the Safeguarding Boards is conducted in private with the Annual Report, limited information on work plans and thematic trends identified from serious case reviews published on their respective websites. Joint working arrangements will need to be cognisant of this.
  - c. **Sharing of information** –
    - (i) To share appropriate information around each other's activities enabling us to identify areas for joint working and added value.
    - (ii) It is accepted and understood that HOSC members will be expected to treat some information provided on a confidential basis, where indicated.
    - (iii) Any concerns about whether information should or can be shared with the HOSC will be adjudicated by the Independent Chairman advised by the ESCB/ESAB legal adviser .

### Areas of cooperation

The HOSC and the Safeguarding Boards have agreed to work together in the following areas:

7. **Information sharing** -:
  - (a) As soon as possible after publication, a member of the ESCB & ESAB Business Support Teams will notify and provide copies to the HOSC Scrutiny Officer of:
    - (i) The latest business plans and Annual Reports of each of the Safeguarding Boards;

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- (ii) Key safeguarding themes arising from the business of the Safeguarding Board. It is acknowledged that the level of public disclosure on this is very limited and the Safeguarding Boards will try to identify opportunities where some extra detail can be provided (if necessary on a confidential basis); and
  - (iii) The final reports of Serious Case Reviews (that are relevant to the HOSC) and particularly, systemic failings identified at the end of the review.
- (b) A member of the ESCB & ESAB Business Support Teams will provide to the HOSC Scrutiny Officer the Quarterly Board Manager Report that is presented to each Safeguarding Board. Further distribution of this will be determined on a case by case basis by the Scrutiny Officer in consultation with the ESCB & ESAB Business Support Teams.
- (c) A member of the ESCB & ESAB Business Support Teams will alert the HOSC Scrutiny Officer that a serious case review is being initiated (although the HOSC may only be advised of the general nature of the review).
- (d) That the ESCB & ESAB Business Support Teams consider areas for HOSC involvement and/or advance notification as part of the respective Boards annual planning exercise.
- (e) The HOSC Scrutiny Officer will ensure that the ESCB & ESAB Business Support Teams are kept informed of the HOSC work programme and scheduling of business and highlight issues where the HOSC is suggesting a joint approach.
- (f) Where deemed appropriate the HOSC will be assisted by expertise derived from the Boards to carry forward their lines of enquiry.

### **8. Briefing and training -:**

That the ESCB & ESAB Business Support Teams may provide some periodic briefings or training sessions for the HOSC which are pertinent to the work of the Safeguarding Board and/or which can help support the HOSC in fulfilling its duties.

### **9. Conduct of scrutiny reviews**

It is proposed that in appropriate cases where the Boards and the HOSC have shared responsibility consultation would take place to ascertain the appropriate lead on scrutiny activities and on subsequent review of the effectiveness of mitigation measures.

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### Limitation

It is acknowledged that the type of information going to Safeguarding Boards on commissioner and/or providers may be very specific and limited and, in providing any of that information to the HOSC, it may not be comprehensive enough to highlight sufficiently all risks to patient care and quality.

### Duration and review of this MoU

10. This Memorandum will be immediately effective and will be reviewed annually or at any other time as necessary and terminated by either party with reasonable notice.

### Signatures

**Cllr TBC**  
**Chair of Health Overview**  
**and Scrutiny Committee**

**TBC**

**Date:**