



# **A Rough Guide for Safeguarding Adult Board Chairs**

**National Network  
for Chairs of Safeguarding Adult  
Boards**

<b>CONTENTS</b>	<b>PAGE</b>
<b>Part 1: Purpose of this document</b>	<b>3</b>
How to use this guide	3
<b>Part 2: Status of the SAB</b>	<b>4</b>
<b>Part 3: Accountability- responsibility for responding to complaints, legal challenges, press and reputational risks</b>	<b>6</b>
Accountabilities and responsibilities for responding to Complaints and Disputes	6
Access for SABs to appropriate legal support	7
Support and resources for community engagement, including press communication advice	7
<b>Part 4: Commissioning work and decision making</b>	<b>9</b>
Involvement of interested parties, including the adult at risk, friends, family and representatives in the SAR process	10
Instructing Independent Authors/ Reviewers	11
Embedding the learning following a SAR	12
<b>Part 5: Holding and processing data</b>	<b>13</b>

## **Part 1: Purpose of this document**

The Care Act 2014 made the establishment of a Safeguarding Adults Boards (SAB) a requirement, however in the intervening years how each Board carries out their statutory functions has been a matter for local decision making. This paper has been developed by SAB Chairs for SAB Chairs as a 'rough guide' for induction and to help and support each other. It is not formal guidance nor instruction and should be used to have local conversations about the issues raised. Experiences of dealing with these issues will continue to be explored and dealt through the National Network of SAB Chairs, which will keep this rough guide under review. The paper is intended to provide a guide to tackling some of the legal complexities that arise in this area. It is not intended to provide formal legal advice, but in drafting it has considered the Care and Support Guidance and legal advice made available to the SAB Chair's network. As the nature of a Safeguarding Adults Board is collaborative, it would be prudent to secure agreement from key statutory partners, wherever possible, and more widely, wherever possible to the positions set out in this document.

Whilst every effort has been made within this guide to summarise current best practice, drawing on the experience of Chairs across the network, please bear in mind that developments in case law, policy and best practice may supersede this advice prior to the scheduled review in Spring 2022.

Originally this guide was intended to consider some of the complexities arising from the commissioning and publication of Safeguarding Adults Reviews, considered at a SAB Chair's Workshop in March 2019. However, following discussions at the National SAB Chairs Network it has grown into a summary of a number of legal issues being considered by Boards, including the liability of the Board in respect of SAR decisions and whether Boards should consider the issue of insurance to cover those liabilities. It also reflects the issues and concerns raised by families about some SARs and identifies issues for Chairs and SABs to consider in addressing these and to maintain transparency as far as possible. It is intended that the guide will be disseminated through the National SAB Chairs' and SAB Managers' Networks and that the LGA and ADASS will suggest that this guide (and any revised version) is included in any newly appointed SAB Chair's induction materials.

### **How to use this guide**

The guide is intended to support SAB Chairs; they may wish to share this with their partners and with those who have delegated responsibility for undertaking some tasks linked to the functions. It is not intended to bind decisions made by any Chair or SAB, simply to support discussions and encourage consistency within decision making that supports accountability and transparency.

## Part 2: Status of the SAB

Local authorities are required by the Care Act 2014 to 'establish a SAB'; they have powers to do so as:

- a sub-committee of the Council
- a Company (probably a CIC)
- an LLP
- an unincorporated partnership or association - i.e. an organisation set up through an agreement between a group of people who come together for a common purpose other than to make a profit. In a SAB's case this is to '*help and protect adults in its area in cases ... by co-ordinating and ensuring the effectiveness of what each of its members does.*'
- some other legal entity (e.g., a Co-op or mutual).

The legal nature of each SAB would normally be set out within the governing documents (e.g. a Constitution) and care should be taken to ensure the status chosen provides the relevant authority for the SAB to undertake its functions. The Care and Support Guidance defines the powers that are required for SABs but does not specify the legal status that must be chosen. It is explicit that each member of a SAB has a responsibility to ensure their own organisation is informed of the work of Board; to be clear about how they will contribute the financial and human resources of their organisation to both preventing and responding to abuse and neglect; and highlight through their organisation's governance arrangements, any risks associated with that organisation not meeting its statutory responsibility in relation to safeguarding adults.

The overarching purpose of a SAB is to prevent abuse and help to safeguard adults with care and support needs. It does this by:

- analysing data on safeguarding notifications to build up an understanding of prevalence of abuse and neglect locally
- reviewing local safeguarding arrangements and developing mechanisms to hold partners to account and gain assurance that systems are effective, including by carrying out Safeguarding Adults Reviews
- working collaboratively to develop strategies to prevent abuse and neglect
- raising awareness, including through the publication of their annual report and strategic plan, of risks to adults with care and support needs in their area
- developing policies and guidance for protecting adults which are shaped by partners and including the views of adults with care and support needs, their families, advocates and carer representatives
- assuring itself that multi-agency training or policy development has improved safeguarding practice and is improving and enhancing the quality of life of adults in its area<sup>1</sup>.

These functions require the SAB to undertake a number of tasks for which it would be accountable, thus giving rise potentially to liability for decisions, actions and inaction associated with those tasks and accountabilities.

SABs established as unincorporated associations should note that, it may prove difficult for a SAB to enter into a contract (e.g. for insurance) as, technically, it is not a separate legal entity. The general view is that it would not be necessary for a SAB to have separate insurance as officers of each partner organisation should be covered by the corporate insurance to sit on and support the work of the SAB as part of their employment activities.

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<sup>1</sup> Summary of the core functions set out in pg14.139 Care and Support Guidance

In addition, an Independent SAB Chair and any SAR Reviewer/Person commissioned to undertake any work on behalf of the SAB (as persons/ legal entities carrying out public functions) should have appropriate public liability and professional indemnity insurance as part of their contract/agreement to provide their services.

The Local Authority and SAB Chair should, however, satisfy themselves that suitable arrangements are in place so that, if issues of liability arise, members will have suitable insurance cover in place and access to appropriate legal advice and representation. In addition, where SABs have appointed lay members or representatives from non-statutory organisations (such as carers groups, service user forums or charitable umbrella organisations); the local authority may wish to make it very transparent on the face of any agreement or contract of engagement for those representatives to sign when they join the SAB that they would not be liable personally for decisions/ actions taken in good faith, to fulfil the statutory functions of the SAB. If, in the unlikely event, the legal status of the SAB is changed by legislation, guidance or case law, it would be open to the Statutory partners to offer indemnity to these members. The SAB Chair and the Local Authority should also ensure that any induction programme carefully details any expectations placed on the lay person regarding confidentiality, data protection and information sharing.

### **Part 3: Accountability- responsibility for responding to complaints, legal challenges, press and reputational risks**

#### **Accountabilities and responsibilities for responding to Complaints and Disputes:**

Where a SAB has appointed an Independent Chair, the Chair is accountable to the Local Authority' Chief Executive (as lead statutory agency) but should be appointed by statutory partners. The SAB Chair *'has a critical role to lead collaboratively, give advice, support and encouragement but also to offer constructive challenge and hold main partner agencies to account and ensure that interfaces with other strategic functions are effective whilst also acting as a spokesperson for the SAB... There is a clear expectation that chairs will keep up to date with, and promote, good practice, developments in case law and research and any other relevant material.'*<sup>2</sup> Independent Chairs have personal responsibility to ensure they use learning and development on offer on the above roles through opportunities available from the LGA and ADASS, which support the National SAB Chair's Network, providing opportunities for Chairs to share new learning from case law, research and case reviews. It is important that SAB Chairs actively participate in the National SAB Chairs network, and/or regional Networks as part of ongoing professional development, and for them to be supported to do so by their SAB through agreement that attendance at meetings is part of the Chair's paid role.

Given the nature of safeguarding adults at risk and the functions of the SAB, careful thought should be given (within any governing document) to the role of the SAB Chair in resolving complaints. We advise that the governing documents and the Independent SAB Chair's contract of engagement should be explicit that the Chair's role is confined to complaints regarding SAB functions only. It is advisable to clearly state that if a complaint relates to a service or function provided by a partner agency in line with their statutory obligations (e.g. how a s42 enquiry was conducted) that it would be for the relevant agency to address this through their own organisation's complaints process and thereafter to the relevant ombudsman or independent regulatory body (e.g. [Local Government Ombudsman](#), (LGO) [Parliamentary and Health Service Ombudsman](#) or the [Independent Office for Police Conduct](#)).

Likewise, it is advised that the SAB governing document and Chair's contract of engagement specifies the Chair's role in resolving disputes (between partners or between partners and members of the public) and that this applies only in relation to SAB functions. Any dispute resolution process should take into account existing protocols and link in with pre-existing arrangements to protect against duplication or miscommunication.

Chairs should ensure that there is clarity about the functions of the SAB, how someone can make a complaint, and who/ how any complaints about those functions will be investigated. From a public law perspective, those arrangements need to be in keeping with the law, reasonable (i.e. not so unreasonable that it might amount to an abuse of power) and fair. The LGO has confirmed that, as the Local Authority ultimately has lead responsibility for ensuring a SAB meets its statutory obligations, any complaints regarding SAB functions should be processed in accordance with the [Local Authority Social Services and National Health Services Complaint \(England\) Regulations 2009](#). The LGO will investigate any unresolved complaint referred to them in line with their procedures. The LGO also publishes [complaint investigation findings](#). It is therefore important for an Independent SAB Chair to be aware of the local authority processes, ensure close liaison with officers within the Local Authority's Complaints service and agree how the Independent SAB Chair will be involved in reviewing complaints made about SAB functions.

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<sup>2</sup> Pg 14.150 Care and Support Guidance

It will be important that any dispute or complaints protocol/ process acknowledges that adults who have experienced abuse or neglect, their families, representatives or other interested parties may be distressed by those experiences and may also require support to understand, weigh up or communicate effectively what the issues or concerns are.

### **Access for SABs to appropriate legal support:**

Likewise, the SABs governance document and contract with the Independent SAB Chair should make provision for the SAB to have access to legal advice. In the main, it may be acceptable for the local authority or another partner agency to provide access to their legal resources. It is advisable to make arrangements for the SAB, through their Independent SAB Chair, to have access to independent legal advice where there is a risk of a conflict of interest between a lawyer employed by a partner agency and the SAB. The Solicitors' [Code of Conduct](#) permits solicitors to act where there is a risk of client conflict only if the clients have substantial common interests and the solicitor has explained the relevant issues to the client, all clients have understood and given their informed consent in writing and the solicitor is satisfied that the benefits of acting for both clients outweighs the risks. Ultimately this is for the solicitor to assess and not the LA's Chief Executive, Director of Adult Social Services (DASS) or Independent SAB Chair, so this will need to be taken into account.

It should also be made clear that, where legal proceedings are anticipated, that the local authority, as lead agency<sup>3</sup> will assume responsibility either as Applicant or Respondent in any proceedings. This is important because there is legal precedent for an LSCB having acted as Respondent, though it would appear that the legal status of the Board was not directly considered in that [case](#).

Chairs terms of engagement should make clear that, if proceedings are initiated naming the Independent SAB Chair as a Respondent, the Local Authority (or the partner agency who has commissioned the Chair) will undertake to make arrangements and pay for any legal representation and/or costs associated with the legal action. A caveat to that may apply if the SAB Chair has acted in breach of their contractual terms or the statutory functions of the SAB. Similarly, consideration should be given to including assurances to the SAB Chair that, if as a result of the role, the Independent SAB Chair experiences threatening or abusive communications, legal advice and, where necessary, representation will be provided to secure proportionate, protective legal remedies.

### **Support and resources for community engagement, including press communication advice:**

Two core functions of the SAB are community engagement and raising awareness both of risks within a local area and of the work of the SAB to address those risks, including those taken in response to findings with Safeguarding Adults Reviews. It is important that the SAB strategic plan clearly sets out how partner organisations will make available resources to support these. Governance documents should also provide the detail on what will be provided covering:

- an effective community engagement strategy;
- consultations on policies and strategies with wider interested parties
- support to publicize learning from safeguarding adults reviews.

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<sup>3</sup> S.43 Care Act 2014

Part of any Independent SAB Chair's role is to provide '*constructive challenge and hold main partner agencies to account*', so it is also important to consider when it might be necessary to provide independent communications advice to an Independent SAB Chair. For example, where as a result of findings from a Safeguarding Adults Review, there could be a perceived conflict of interests between one or more partner agencies and the SAB or if the Independent SAB Chair is at risk of adverse reputational or vexatious/ aggressive communications from members of the public or press. Or indeed to provide the right support to communicate the outcomes and learning from SARs to the wider population where it is appropriate to do so.



## Part 4: Commissioning work and decision making

Principally these responsibilities arise in relation to the duty to carry out a safeguarding adults review ['SAR'] under s44 Care Act 2014. The Care and Support Guidance sets out the purpose of a SAR, namely '*to determine what the relevant agencies and individuals involved in the case might have done differently that could have prevented harm or death. This is so that lessons can be learned from the case and those lessons applied to future cases to prevent similar harm occurring again. Its purpose is not to hold any individual or organisation to account. Other processes exist for that. ... It is vital, if individuals and organisations are to be able to learn lessons from the past, that reviews are trusted and safe experiences that encourage honesty, transparency and sharing of information to obtain maximum benefit from them. If individuals and their organisations are fearful of SARs, their response will be defensive, and their participation guarded and partial.*'<sup>4</sup>

Crucially it is a decision of the SAB<sup>5</sup>, not the Independent SAB Chair, whether a case meets the criteria for a SAR. Likewise, it is the SAB which adopts the recommendations, meaning that partner agencies will be responsible for setting out what actions they will take as a result of any recommendation and confirming how they have monitored the implementation of any action plan and measured improvement to practice. The role of the SAB Chair will be to determine what actions are required by the SAB and, because '*recommendations and action plans from a SAR need to be followed through by the SAB*'<sup>6</sup>, hold partners to account in line with individual organisation's action plans.

Whilst the Care and Support Guidance requires process to be determined locally, to reduce risk of any legal ramifications for partner organisations or the Independent SAB Chair, partners' agencies are required to ensure SAB members have the requisite skills and experience<sup>7</sup> to carry out SAB functions or undertake SARs.<sup>8</sup> Any SAR process must also comply with public law principles and be closely followed, as decisions may be subject to Judicial Review.

It would therefore be advisable for any SAR process to link to the main SAB governance documents, including any Information Sharing Agreement, and address:

- How and who can refer cases for consideration by the SAB and any restrictions on this e.g. for vexatious or unjustified requests.
- How information will be collated from relevant agencies to determine whether the case might meet the criteria for a SAR.<sup>9</sup>
- The circumstances that might give rise to discretionary reviews
- What the mechanisms are for linking with other reviews, investigations, coronial<sup>10</sup> or court proceedings.<sup>11</sup>

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<sup>4</sup> pg14.168-9 Care and Support guidance

<sup>5</sup> S44 Care Act 2014 and pg14.162 Care and Support Guidance

<sup>6</sup> 14.170 Care and Support guidance

<sup>7</sup> Pg14.149 Care and Support Guidance

<sup>8</sup> Pg14.172 Care and Support Guidance

<sup>9</sup> This could reference powers under 45 Care Act 2014, Crime and Disorder Act 1998 and clarify that duties to protect persons from inhuman and degrading treatment (art 3, HRA) have paramountcy over the right to respect for privacy (art 8, HRA) as confirmed in *Re F*, [2000]. Any Information Sharing Agreement between partner agencies should also make explicit arrangements for the sharing of personal information without express consent, because the law provides an exceptions to the usual rule, that information cannot be shared without express consent, if it is necessary to meet a legal obligation, public task or for vital interests, including safeguarding!

<sup>10</sup> Coroners Annual Report is available at: [www.gov.uk/government/publications/chief-coroners-annual-report-2017-to-2018](http://www.gov.uk/government/publications/chief-coroners-annual-report-2017-to-2018)

<sup>11</sup> Whilst other proceedings/investigation are ongoing, it is accepted that persons/organisations may be reticent to be open and the whole purpose of the review could be lost. It is prudent for terms of reference to enable reviewers/ panel or Independent Chairs to, if necessary, review and amend key lines of enquiry or timescales so as to best achieve learning. Pg. 14.174 Care and Support guidance requires consideration of how DHRs, SCRs and SARs should run in parallel, but any protocol should also provide guidance on how MAPPA reviews, Mental Health Mortality and LeDeR reviews, coronial and criminal investigations should be run alongside a SAR.

- If cases are considered in the first instance by a SAB Subgroup or Panel and recommendations then made to the SAB, who chairs that group - ensuring that possible conflicts of interests will be addressed.<sup>12</sup>
- What happens if there is a dispute between the partners and the role of the DASS and Independent SAB Chair in resolving that dispute and reaching a decision.
- different methodologies for reviews, how decisions are reached to the appropriate methodology for the specific review and how this will be communicated to interested parties within the SAR.
- How the SAB will ensure appropriate involvement in the review process from organisations and professionals involved with the adult.
- How friends, family of the adult (or a surviving adult) will be encouraged to be involved in the process.
- Formal procurement processes or mechanisms for appointing an independent reviewer/ author and which partner agency will be responsible for commissioning the reviewer - this is particularly important if the SAB is an unincorporated association as it does not have a legal personality to contract.<sup>13</sup>
- What quality assurances mechanisms will be in place to ensure the review is undertaken in line with the terms of reference and local process.
- How those involved in the case will be given opportunity to comment on the factual accuracy of the report or findings and, if disputes arise during the review process, how these will be resolved. In particular, the local process should provide guidance on responding to concerns regarding inaccurate factual analysis, alleged breaches of personal information [see part 5], negligent misstatements and defamation.
- expectations regarding publication.

### **Involvement of interested parties, including the adult at risk, friends, family and representatives in the SAR process**

The Care and Support Guidance advises that the '*focus must be on what needs to happen to achieve understanding, remedial action and, very often, answers for families and friends of adults who have died or been seriously abused or neglected.*' It is good practice for SABs to have accessible information for families about the SAR process<sup>14</sup> and other mechanisms for redress if they have concerns/ complaints. The police approach to family liaison may prove a useful starting point for designing the SAB offer of support to families involved in a SAR. In addition, the Local Authority will have a duty<sup>15</sup> to provide advocacy to assist those who might otherwise have substantial difficulty in being involved.

Some SAB Chairs meet families as part of the decision making in respect of a SAR or consult the family on the terms of reference and scope of the SAR. This may take place prior to agreeing a SAR in some cases or with the SAR Reviewer/ Author. SABs should consider how this is phrased within the contract for the reviewer and whether the reviewer should meet the family alone or whether it would be helpful for all if support can be provided to take notes of the meeting. It will also be sensible to provide office based contact numbers for families throughout their experience of the SAR process and it is recommended that the Board generic email address and telephone is used by Independent SAB Chairs and

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<sup>12</sup> For some SABs this has been resolved by asking their local Healthwatch to chair or appointing an independent person to chair and write the report.

<sup>13</sup> Two examples of this are attached at Appendix 7 (e.g. Devon & Bournemouth Dorset & Poole)

<sup>14</sup> Greenwich SAB has an example at: <https://www.greenwichsafeguardingadults.org.uk/wp-content/uploads/2019/07/SAR-leaflet-for-families.pdf>

<sup>15</sup> s68 Care Act 2014

Reviewers and that they are advised not to disclose any personal contact information through social media or publicly available sources, e.g. Companies House.

When reporting findings and recommendations to interested parties whilst a SAR report is in draft form, i.e. before these are formally accepted by the SAB and partner agencies, the information should still be considered confidential until decisions are made to publish more widely. It will be important to consider if there is a foreseeable risk that disclosure of information could give rise to adverse press interest or reputational damage to a partner agency, SAB member or any individual. It is always helpful for Reviewers to be requested to use confidentiality agreements or it may be helpful to use non-disclosure agreements with any interested parties with whom versions of the report are shared, so that the Final Draft SAR remains confidential until considered by the Board and any recommendations are agreed. Some SABs consider including the family views after they have had the opportunity to consider the final draft report and this can be added as an overview e.g. something added to the front of the report or included at the end of the Report.

### **Instructing Independent Authors/ Reviewers**

It is strongly advised that SABs have formal procurement processes in place for appointing an independent reviewer/ author. Where the legal status of the SAB limits its ability to commission the governance document should address which partner agency will be responsible for commissioning the reviewer. Where this isn't otherwise specified it is likely to be the Local Authority as lead agency under s43 Care Act 2014. Any formal procurement process and contract with the independent reviewer should make reference to the [SAR quality markers](#), and also to the [practice guidance](#) issued by the National Panel in respect of Child Safeguarding Practice Reviews.

The terms of reference could require a reviewer to review previously published SARs relevant to the issues, to build on previous findings and avoid duplication.

Care should be taken by reviewers to ensure language does not convey civil or criminal liability as this is not the purpose of the review. The Court of Appeal addresses this directly in the case of [Deeqa Mohamed](#) in respect of the statutory obligation to undertake a serious case review following the death of a child.

Any terms of reference or contract of engagement could also require a SAR reviewer to report information to the Independent SAB Chair where it appears the facts could give rise to liability issues, namely:

- civil liability, including negligence by a public body
- criminal liability
- regulatory enforcement issues
- employment law issues in respect of a particular person or organisation.

A SAR may, however, reveal a set of circumstances which were previously unknown and cause the police to consider misconduct in public office proceedings; or an individual in a regulated profession may require referral to their regulator due to conduct revealed as part of SAR. Any terms of reference or contract of engagement with a reviewer should therefore make clear that where, in the course of a review, it appears to the reviewer that an individual or agency has acted in a manner that is in breach of professional standard such to give rise to civil or criminal liability, this should be reported to the Independent SAB Chair and responsible partner agency/ Police for action. Family/ representatives of an adult at risk subject to a s44 review should be signposted to the relevant legal process/ professional body if they have concerns.

Local SAR processes ought to make clear that, whilst not the primary purpose of a review, information collated during the SAR process may be disclosed, if so requested, as part of civil or criminal proceedings. Normally, requests for disclosure of preliminary reports (such as individual partner agencies internal management overview reports) will be directed to the relevant agency to respond to as this is not 'owned' by the SAB. However, given the circumstances that give rise to a duty to undertake a SAR and the obligation on Coroners to hold an 'enhanced inquest' where there are concerns that statutory partners or 'its agents' have 'failed to protect the deceased against a human threat or other risk' local SAR processes could also highlight duties for partner agencies to provide full disclosure to the Coroner. It is a criminal offence to do anything that is intended, or is likely, to have the effect of distorting, altering or preventing any evidence or document that is given for the purposes of a coroner's investigation. Including intentionally suppressing, concealing, altering or destroying a relevant document. A document is relevant if it is likely that a Coroner conducting an investigation would, if aware of its existence, wish to be provided with it. The Coroner has the power to issue Witness Summons, meaning it is a Contempt of Court if a witness does not attend. Where there is concern that disclosure of a draft report may undermine the purpose of the review, local processes could provide powers for Independent SAB Chairs to seek legal advice (taking into account information in part 3 of this document) or make representations to the Coroner requesting consideration of withholding full disclosure of draft materials to interest parties until completion or publication of the SAR report. The SAB Chair will not be responsible for disclosing reports prepared by organisations regarding their own internal investigations into the circumstances that gave rise to a SAR and, where these are requested, the Coroner should be provided with contact details of the relevant person from that agency to request this information directly.

The SAB could also set out expectations in respect of publication. Any terms of reference or contract with an independent reviewer also needs to be clear that the reviewer understands the onus is on them to only comment on areas within their expertise and that they should only make assertions if can justify, on the relevant burden of proof, their findings. It might be prudent to make it explicit that a reviewer may be personally liable if their report contains libellous material and that any third-party information has been verified or the third party given a right to comment. The reviewer could also be required to give assurances that, where a report could identify a living person, duties under the Data Protection Act (DPA) have been given very careful consideration.

Any contract should also make clear that whilst Reviewers can use published materials freely, they should seek agreement from the SAB before disseminating information from unpublished reports (either within research papers or for any other means).

### **Embedding the learning following a SAR**

It is important to ensure that the methodology used takes account of learning which can be applied easily at the front line of all organisational practice. There are many useful learning methodologies e.g. summaries of learning sent to partners, Learning Review events undertaken during and on completion/ publication of the SAR.<sup>16</sup>

It is the responsibility of the Independent SAB Chair to demonstrate clear expectations that all partners will provide assurance that learning is embedded in their own organisations.

A SAB may consider the application of learning by the Board in relation to past SARs and may continue to be reviewed some time after each event. This is especially important where analysis show themes established from more than one SAR.

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<sup>16</sup> An example: [7-Step Briefing - Care planning for A&E attendance](#)

## Part 5: Holding and processing data

A core function of the SAB is to analyse data from a multi-agency perspective to secure assurance. It is therefore important that the SAB has a robust Information Sharing Agreement that sets out partner agencies' responsibilities for processing data and personal information in a way that enables the SAB to conduct multi-agency audits or collate information to enable a SAR.

Under the Data Protection Act 2018 ['DPA'] Section 6 adopts the definition in Article 4(7) of the General Data Protection Regulations ['GDPR'] as the definition of data controller. In Article 4(7) data controller is defined as the '*natural or legal person, public authority, agency or other body which alone or jointly with others determines the purposes and means of processing the personal data, where the purposes and means of such processing are determined by member states*'. 'Person' is not defined in the Data Protection Act 2018(DPA). Public authority is so defined, and a SAB is not a public authority for the purposes of FOI so is not likely to be a public authority for the purposes of the DPA.

A SAB is not a 'public body' for the purposes of a request for information under the Freedom of Information Act 2000, as such any request for information relating to SAB functions would likely be processed by the Local Authority as lead agency. That said, it will often be the SAB's Manager/ support team who can most easily respond to FOI requests or requests from the judiciary or parties to proceedings for disclosure of information relating to SARs or multi-agency audits and other quality assurance work of the SAB. It would therefore be prudent for SAB's to directly address how it will store information, what will be published and how it will make those decisions (and resolve disputes) within its governance documents. It is open to any of the members to offer to host a SAB and make available resources<sup>17</sup>, so it isn't necessary for the Local Authority to undertake this role, if another partner is willing and able. In the absence of another willing host, the local authority, as the agency responsible for establishing the SAB, may take the view that it would be prudent for all personal data to be processed in line with their information governance arrangements and seek confirmation (through contract with independent Chairs and Reviewers) that they will adhere to those standards.

Given that a SAB is not a public body for the purposes of the FOI and DPA, many have taken the view that it is not necessary for a SAB to register separately with the ICO, particularly as the statutory partners will already be registered.

Any restrictions imposed on Independent Reviewers will need to consider the matter of intellectual property rights. It will also need to provide practical support if there are subsequent legal proceedings, such as agreeing to provide access to draft reports, IMR or agency's chronologies, minutes of practitioner discussions etc., where these might be required to assist an author or Independent SAB Chair prepare for subsequent legal processes such as Disciplinary Hearings, Inquests etc.

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<sup>17</sup> sch 2.2 Care Act 2014