



Constitution and Terms of Reference

2023

Version control

Version	Date	Reviewer	Change Made
V1	August 2019		Document created
V2	12.02.21	Business Manager	Updated following Executive meeting
V3	13.07.21	Business Manager	Paper approved by Cabinet
V4	February 2022	Business Manager	Changes to governance arrangement of statutory review
V5	May 2023	Business Manager – LG	Annual review. Changes made to Independent Scrutiny arrangements, role of Elected Members, DHR funding and to reflect replacement of Clinical Commissioning Groups with Integrated Care Board
V6	31 July 2023	Interim Business Manager - OK	Review before submission to cabinet of changes, amendment to groups section 12. Removal of ref 7.3 and 8.5 as previous changes to document changed numbering these are no longer applicable.

Table of change to document September 2023

Where (part)	What
Throughout document	References to the Clinical Commissioning Group has been replaced with Integrated Care Board. National Probation Service has been replaced with Probation Service
2.4	Changes to personnel at the Executive Board members have been reflected including the changes to the Executive Director arrangements for DASS and DCS in Bristol City Council. Director of Nursing to Chief Nursing Officer for the ICB
6.9	Added in arrangements for independent scrutineer role following the regional Independent Scrutineer role coming to an end
7	Oversight and accountability arrangements for Lead Cabinet members have been updated to reflect new agreed arrangements
9.1	Sentence to reflect arrangements for commissioning Domestic Homicide Reviews have been added
9.5	Bullet points added to set out the arrangements of statutory subgroups
12	Business Delivery and Performance Groups added in new groups to reflect six business delivery groups since the growth of the KBSP responsibilities for delivery of the Domestic Abuse Act, Serious Violence Duty in accordance with the Police, Crime, Sentencing and Courts Act 2022 and the Family Hubs Program.

Contents

1. Establishment and Title	4
2. Membership of the Executive Board and Delegated Authority	5
3. Arrangements for Decision Making and Support for the Executive Board	6
4. Objectives.....	7
6. Role of the Independent Chair.....	9
7. Oversight and accountability arrangement for Lead Cabinet members	11
8. Annual Report	11
9. Decision making and commissioning for Statutory Reviews.....	12
10. Resources	15
11. Business Planning.....	16
12. Business Delivery and Performance Groups	16
13. Public Participation and Engagement.....	17
14. Information sharing and Governance	17
15. Dispute Resolution	17
16. Liability	18
17. Review of the Constitution.....	18
Appendices.....	19
Appendix 1 Code of Conduct	19
Appendix 2 Child Death Overview Process.....	21
Appendix 3 Agreement for legal advice to the board.....	21
Appendix 4 Disclosure of Information from Statutory Reviews.....	22
Appendix 5.1 Complaint Procedure for Statutory Reviews.....	23
Appendix 5.2 Complaint Acknowledgement.....	28
Appendix 5.3 Complaint Response Template	29

1. Establishment and Title

1.1. Keeping Bristol Safe Partnership (the Executive Board) is constituted to deliver relevant statutory duties as follows:

- To safeguard and promote the welfare of children as required by The Children Act 2004 and supported by the statutory guidance, Working Together to Safeguard Children 2018
- To help and protect adults with care and support needs at risk of abuse or neglect as defined by the Care Act 2014 and supporting statutory guidance
- To reduce crime and disorder, substance misuse and re-offending as required by the Crime and Disorder Act 1998
- To cooperate to improve the wellbeing of children and young people as defined in The Children Act 2004.
- To fulfil the responsibilities of the local partnership board as defined in the Domestic Abuse Act
- To cooperate to reduce Serious Violence in Bristol as defined in the Serious Violence Duty in accordance with the Police, Crime, Sentencing and Courts 2022

Relevant statutory provisions in relation to the constitution of the Executive Board:

1.2. This constitution identifies and sets out arrangements for agencies to work together to these statutory functions within the local authority area of Bristol City Council and meets the following requirements.

1.3. The Children and Social Work Act 2017 and Working Together to Safeguard Children 2018 requires three named statutory partners to have a shared and equal responsibility to put in place arrangements to work together to safeguard and promote the welfare of children. The statutory partners are the Local Authority, Police and Integrated Care Board

1.4. The Care Act 2014 requires a Local Authority to establish a Safeguarding Adults Board. It identifies that the Local Authority is responsible for setting up the Executive Board, and that the Integrated Care Board and the chief officer of the Police for that area should be represented.

1.5. The Crime and Disorder Act 1998 established Community Safety Partnership (CPS). This legislation has been subject to amendment through the Police and Justice Act 2006, Crime and Disorder Regulations 2007, the Local Government and Health Act 2007, the Policing and Crime Act 2009 and the Crime and Disorder Regulations 2011. These define the Police, the Local Authority, Probation, Fire and Rescue Service and Integrated Care Board as the responsible authorities who constitute the strategic group to direct the work of the partnership.

1.6. The lead agency representatives responsible for discharge of their statutory functions in relation to Safeguarding Adults Board and Multi-agency Safeguarding Children Arrangements are:

- Chief Executive Bristol City Council
- Chief Executive Officer, Bristol, North Somerset, South Gloucestershire Integrated Care Board
- Chief Constable, Avon and Somerset Constabulary

The above together with

- Head of Probation Service, Bristol and South Gloucestershire
- Chief Fire Officer – Avon Fire and Rescue

Are also the responsible authorities for the Community Safety Partnership.

2. Membership of the Executive Board and Delegated Authority

2.1. Working Together to Safeguard Children 2018 requires the Executive Board to identify those relevant agencies who involvement is required to safeguard and promote the welfare of children and families. These are set out in the published Safeguarding Arrangement document which can be found on the website.

2.2. The lead representatives have delegated their functions as set out below. This includes representation on the Executive Board although they retain overall accountability for any actions or decisions taken on behalf of their agency.

2.3. In delegating their authority, the lead representatives authorise their representatives to:

- make decisions on behalf of their organisation.
- commit them on policy, resourcing, and practice matters.

2.4. The Executive Board members are:

- Executive Director Children and Education (DCS), Bristol City Council
- Executive Director Adults and Communities (DASS), Bristol City Council
- Chief Nursing Officer, BNSSG Integrated Care Board
- Superintendent, Neighbourhood and Partnerships, Avon and Somerset Police
- Office of the Police and Crime Commissioner*
- Assistant Chief Probation Officer, Probation Service
- Voluntary Community and Social Enterprise (VCSE) sector representative (from VOSCUR, the local VCSE support and development agency)
- Education sector representative (nominated Head Teacher)
- Area Manager for Risk Reduction, Avon Fire and Rescue
- Lead Elected Member for Adults, Children and Community Safety on rotation**

*Observer status given to Police and Crime Commissioner role to hold Community Safety Partnership to account

****Observer status given to Lead Elected Members for Adult, Children and Community Safety to represent the public and fulfil their oversight and accountability roles.**

2.5. The Executive Board members with delegated authority from their service's Chief Officer will be competent to: Make decisions to enable the partnership and services they represent to fulfil their statutory duties and responsibilities.

- Bring a perspective from a sector involved with children, adults with care and support needs at risk of abuse or neglect, victims of crime, people with offending behaviour or wider community safety partners.
- Advise on communication and implementation of Partnership priorities within their sector.
- Disseminate information between the Executive and their agency including its commissioners or contracted services, and for identifying, monitoring and evaluating any necessary actions.
- Commit to report to Chief Officers who are accountable for the quality of services provided in the city to children, adults with care and support needs at risk of abuse or neglect, victims of crime, people with offending behaviour.
- Commit resource to ensure the effective delivery of the partnership arrangements and responsibilities.

2.6. The agencies identified in paragraph 2.4 are full members of the Executive Board. Full members include the additional 'responsible authorities' for the purposes of the Community Safety Partnership beyond those who are also responsible authorities for the Safeguarding Adults Board and Multi-Agency Safeguarding Children Arrangements.

2.7. The Safeguarding Business Unit will maintain, and actions log to track against the delivery of agreed actions within meetings.

2.8. The Safeguarding Business Unit will maintain a challenge log for matters which may be out of the direct control of the Executive, for example matters which need to be developed at a regional or national level.

3. Arrangements for Decision Making and Support for the Executive Board

3.1. The Executive Board will meet a minimum of eight times a year to deliver its statutory functions. Meetings will be supported by the Safeguarding Business Unit, who will be responsible for the circulation of papers. Papers will be circulated seven days in advance. Draft minutes will be circulated seven days following each meeting and approved at the subsequent Executive Board. The preparation of the agenda is the responsibility of the Independent Chair in partnership with the Business Manager. Any Executive member can request items for the agenda.

3.2. Quorum for each meeting will be five; two of the three statutory partners, and three representatives from the other designated agencies.

3.3. In the event the Independent Chair is unable to attend a meeting the Executive Board will elect a chair (who will still have a vote) but quorum will still be five.

3.4. All Executive Board members are equal and have a single vote.

3.5. The Independent Chair does not have a vote.

3.6. Within a framework of accountability, due diligence and governance, the Board members will take decisions in relation to the following relevant statutory functions:

- the development and content of the strategic plan
- the development of annual business plans and identification of the priorities in support of the strategic plan
- the content of the annual report (also referred to as the 12-monthly report in Working Together to Safeguard Children 2018)
- the contribution of resources including the budget, the commissioning and acceptance of statutory reviews

3.7. The decision-making process with regards to statutory reviews is set out at section 9 of this constitution. For the purposes of Domestic Homicide reviews, it will be the sole responsibility of the Independent Chair in consultation with Executive Board members as designated chair of the Community Safety Partnership to commission and accept the review.

3.8. It is the role of the Independent Chair to encourage a working relationship between partners of mutual understanding and respect, assurance, and professionally respectful challenge. The Independent Chair should escalate issues where members are not fulfilling the statutory duties and functions of the partnership to the relevant Chief Officers in cases where this cannot be resolved directly with the executive member.

3.9. Decisions on the acceptance of new policies and procedures is delegated to the Business Delivery and Performance Groups.

4. Objectives

4.1. The core objectives for the Executive Board are as follows:

4.1.1. Section 14(1) of The Children Act 2004:

- To coordinate what is done by each person or body represented for the purpose of safeguarding and promoting the welfare of children in Bristol.
- To ensure the effectiveness of what is done by each such person for that body or for that purpose.

4.1.2. Care Act 2014:

- to improve local adult safeguarding arrangements and ensure partners help and protect adults with care and support needs who are experiencing or at risk of neglect or abuse (see definition in 6.3).

4.1.3. The Crime and Disorder Act 1998:

- To reduce crime and disorder, substance misuse and reoffending within Bristol.

4.2. The Care Act 2014 and supporting statutory guidance provides that whilst the Executive Board has a role in coordinating and ensuring the effectiveness of work being undertaken by individuals and organisations in relation to adult safeguarding and promoting the welfare of adults, it is not accountable for their work. This principle is adopted for the purposes of the whole scope of work for the Executive Board.

4.3. The Executive Board has a duty to:

- Publish a strategic plan for each financial year.
- Publish an annual report detailing what the Executive Board has done during the year to achieve its main objectives and implement its strategic plan.
- Conduct any safeguarding adult reviews in accordance with section 44 of the Care Act 2014.

5. Core Duties

5.1. In relation to Children:

- To develop policies and procedures for safeguarding and promoting the welfare of children in line with Working Together to Safeguard Children 2018.

5.1.1. This includes policies and procedures in relation to:

- Action to be taken where there are concerns about a child's safety or welfare, including thresholds for intervention.
- Training of persons who work with children or in services affecting the safety and welfare of children.
- Recruitment and supervision of persons who work with children.
- Investigating allegations concerning persons who work with children.
- The safety and welfare of children who are privately fostered.
- Co-operation with neighbouring and placing children's services authorities and their joint and equal partners and relevant agencies.

5.2. In relation to Adults:

The safeguarding duty applies to an adult who:

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

5.3. In addition, with specific regard to its duties under The Care Act 2014 and statutory guidance the Executive Board will:

- Develop policies and procedures for adult safeguarding and to ensure individuals, their families, friends and members of the community and professionals understand how and when to raise a safeguarding concern.

5.4. Ensure safeguarding practice complies with the Care Act 2014 statutory guidance in particular Making Safeguarding Personal and the six principles of safeguarding:

- Empowerment. People are supported and encouraged to make their own decisions and informed consent
- Prevention. It is better to take action before harm occurs
- Proportionality. The least intrusive response appropriate to the risk presented.
- Protection. Support and representation for those at greatest need
- Partnership. Local solutions through services working with their communities – communities have a part to play in preventing, detecting, and reporting neglect and abuse.
- Accountability. Accountability and transparency in safeguarding practice

5.5. Ensure safeguarding practice in line with the five principles of the Mental Capacity Act 2005:

- Principle 1: Assume a person has capacity unless proved otherwise.
- Principle 2: Do not treat people as incapable of making a decision unless all practicable steps have been tried to help them.
- Principle 3: A person should not be treated as incapable of making a decision because their decision may seem unwise.
- Principle 4: Always do things or take decisions for people without capacity in their best interests.
- Principle 5: Before doing something to someone or making a decision on their behalf, consider whether the outcome could be achieved in a less restrictive way.

5.6. In relation to Community Safety:

- the Executive Board's duties are addressed in section 1.5 of the constitution, with the exception of the duty to produce a reoffending strategy which is discharged at the Regional Force level (Avon and Somerset Constabulary). In addition, it is to fulfil the responsibilities of the local partnership board as defined in the Domestic Abuse Act and to cooperate to reduce Serious Violence in Bristol as defined in the Serious Violence Duty in accordance with the Police, Crime, Sentencing and Courts 2022.

6. Role of the Independent Chair

6.1. The Independent Chair is accountable for developing a mature and committed citywide leadership partnership.

6.2. The Independent Chair will be appointed for 2 years, which can be extended with the agreement of all three statutory partners for up to a further 2 years.

- 6.3.** Bristol City Council Executive Director for Children and Education and Bristol City Council Executive Director for Adults are jointly responsible for the appointment of the Independent Chair following a selection process involving and agreed by an Executive Board recruitment panel. The recruitment panel must include partner agency representation from Avon and Somerset Constabulary and the BNSSG Integrated Care Board.
- 6.4.** The Independent Chair will have an annual performance review led by the three named statutory members.
- 6.5.** The Independent Chair's contract will be with Bristol City Council (acting on behalf of the Executive Board).
- 6.6.** The Independent Chair can be removed from post on the basis of poor performance or breach of contract by the Bristol City Council Executive Director for Children and Education (DCS) or the Bristol City Council Executive Director for Adults (DASS) with the majority agreement of the Executive Board, including partner agency representation from Avon and Somerset Constabulary and the BNSSG Integrated Care Board. This will be in line with Bristol City Council Policy and Procedure for Performance, Disciplinary Matters and Grievances.
- 6.7.** The Independent Chair, supported by the Safeguarding Business Unit will:
- Ensure parity of time and resources across the statutory functions.
 - Ensure effective performance assessment is in place.
- 6.8.** The Independent Chair will facilitate the partners in carrying out their statutory duties, ensuring accountability, due diligence and governance. In addition, they will:
- Work with multi-disciplinary subject matter experts to inform oversight of the Executive Board functions and delivery
 - Demonstrate a commitment to excellence in safeguarding and community safety delivery
 - Advise executive members on areas of development and make proposals for change when necessary
 - Speak with authority on safeguarding and community safety issues including to the media
 - Ensure the continued confidence of all members in maintaining the independence of the Executive Board, whilst holding all agencies to account for delivery
- 6.9.** The Independent Chair will be responsible for:
- Overseeing the development of strategic plans and supporting annual business plans including consultation with the Children's Shadow Board, adult participation, and engagement groups, Healthwatch and relevant agencies.
 - Ensuring the delivery of an annual strategic assessment by the community safety partnership.

- Attending relevant scrutiny meetings of Bristol City Council (Adults, Children and Education Scrutiny Commission and the Community Scrutiny Commission) to report on the work of the Executive Board, including the presentation of the annual report.
- Ensuring the Community Safety Partnerships and Police and Crime Commissioner (PCC) cooperate with each other as set out in The Police Reform and Social Responsibility Act 2011. This will include sending the annual community safety plan and strategy to the PCC, sharing priorities where mutually agreed, attending PCC meetings as required and responding to PCC requests for reports on specific issues.
- Undertaking the role of independent scrutineer for Children as defined in the Children and Social Work Act 2017 to provide assurance in judging the effectiveness of multi-agency arrangements to safeguard children in Bristol. The Chair will work with the Business Unit to determine the activities necessary to assure the Executive group about the quality of local arrangements.

7. Oversight and accountability arrangement for Lead Cabinet members

7.1 The Executive Board and Independent Chair activities and performance with regards to action plans and outcomes will also be held to account by lead Councillor for Adults, Children and Community Safety from Bristol City Council. These members will be supported to engage with the arrangements by.

- Being invited to the KBSP Strategic Plan Development session with the Executive
- Having the option to attend the Executive as participating observers on a rotational basis or stepping in to observe as required by the agenda
- Meeting with the KBSP Chair/Independent scrutineer and relevant Local Authority Lead Officer (DCS/DASS/Executive Director for Community Safety) on a bi-annual basis to discuss the functioning of the arrangements
- Receiving the minutes from Executive meetings
- Receiving the Annual Report
- Receiving the forward agenda plan, associated papers and minutes from the relevant KBSP Performance and Delivery Groups
- Accountability oversight group TOR can be found here.

7.2 The Bristol City Council, Executive Director for Children and Education and Executive Director for Adults, will, on behalf of the Executive Board, report to the relevant scrutiny commissions of Bristol City Council, namely People and Communities, on an annual basis to enable the commissions to review the work of the Executive Board and delivery against the Executive Board's strategic priorities.

8. Annual Report

8.1. The Independent Chair on behalf of the Executive Board will publish an annual report which will report on progress against priorities, barriers to progress and any

learning from statutory reviews and related action plans commissioned in the reporting year and will be submitted to:

- The Mayor of Bristol
- The Police and Crime Commissioner for Avon & Somerset Constabulary
- Chief Constable Avon and Somerset Constabulary
- Chief Executive BNSSG Integrated Care Board
- Bristol Health and Wellbeing Board Chairs
- Healthwatch Bristol
- Bristol City Council Scrutiny Commissioners

8.2. The annual report will also be submitted, within seven days of publication, to the Child Safeguarding Practice Review Panel and the What Works Centre of Children's Social Care.

8.3. The Strategic Plan and Annual Report will be made widely available and published on the Keeping Bristol Safe Partnership website.

9. Decision making and commissioning for Statutory Reviews

9.1. The Executive Board is responsible for commissioning and responding to the findings of:

- Child Safeguarding Practice Reviews
- Safeguarding Adult Reviews
- For Domestic Homicide Reviews the KBSP Independent Chair alongside the Core Executive Partners will agree to commission and respond to findings in the reviews

9.2. Child Safeguarding Practice Reviews (CSPR) (Children and Social Work Act 2017 & Working Together 2018). Working Together 2018 states that:

9.2.1. Safeguarding partners must make arrangements to:

- Identify serious child safeguarding cases which raise issues of importance in relation to the area, and
- Commission and oversee the review of those cases, where they consider it appropriate for a review to be undertaken.

9.2.2. A CSPR should be considered for serious child safeguarding cases where:

- abuse or neglect of a child is known or suspected
- and a child has died or been seriously harmed.

This may include cases where a child has caused serious harm to someone else. Serious harm includes but is not limited to serious and/or long-term impairment of a child's mental or physical health or intellectual, emotional, social, or behavioural development.

9.3. Safeguarding Adults Reviews (SAR) (Care Act 2014 and Care Act 2014 Statutory Guidance). The Care and Support Statutory Guidance states that:

- A safeguarding adult's board (SAB) must arrange a SAR when an adult in its area dies as a result of abuse or neglect, whether known or suspected, and there is concern that partner agencies could have worked more effectively to protect the adult.
- SABs must also arrange a SAR if an adult in its area has not died, but the SAB knows or suspects that the adult has experienced serious abuse or neglect. SABs are free to arrange for a SAR in any other situations involving an adult in its area with needs for care and support.

9.4. Domestic Homicide Reviews (Domestic Violence, Crime and Victims Act 2004). The Home Office Statutory Guidance for the Conduct of Domestic Homicide Reviews (DHR) defines a DHR to mean:

- A review of the circumstances in which the death of a person aged 16 or over has, or appears to have, resulted from violence, abuse or neglect by:
 - a) a person to whom they were related or with whom they were or had been in an intimate personal relationship, or
 - b) a member of the same household as themselves, held with a view to identifying the lessons to be learnt from the death.

NB: Where a victim took their own life (suicide) and the circumstances give rise to concern, for example it emerges that there was coercive controlling behaviour in the relationship; a review should be undertaken, even if a suspect is not charged with an offence or they are tried and acquitted.

9.5. The principles of each of these review processes are similar.

- Members of the safeguarding partners or wider relevant agencies will notify the Safeguarding Business Unit of any serious incident they assess to meet the criteria for review.
- The Board has established two statutory review groups (CPSR and DHR/SAR subgroups) which are chaired by a representative of one of the statutory partners.
- A joint group has been established to jointly review referrals for Safeguarding Adults Reviews and Domestic Homicide Reviews. Terms of reference for this group can be found here.
- These groups will have responsibility to review the information provided in the referral, supported where appropriate by other agencies' information. They will make a recommendation to the Executive Board as to whether, in their professional opinion, the criteria for a statutory review is met and set out the reasons for this recommendation to their delegates in relation to CPSR or SAR or the Independent Chair in relation to DHRs, will make the final decision as to whether to commission a review.
- The decision should be communicated to the Safeguarding Business Unit in writing within 5 working days of receiving the recommendation or within 1 working day in the case of rapid reviews. The three lead representatives must have a named deputy who can make this decision in their absence.

- 9.6.** The decision-making and timeliness in relation to CSPR and SAR will be subject to scrutiny by the Independent Chair.
- 9.7.** In the case of a decision to commission or accept the finding of a DHR, the three lead representatives or their delegates will have 5 working days from the Independent Chair's decision to make representations before the decision is finalised.
- 9.8.** Any statutory review will be commissioned, through the Bristol Statutory Review process.
- 9.9.** The relevant statutory review group will have oversight of:
- 9.9.1. The review process
 - 9.9.2. The quality and timeliness of reviews being delivered and managed by convened statutory review panels, and
 - 9.9.3. Delivery against the review's action plans by the Executive and the Business Delivery and Performance Groups.
- 9.10.** It is the responsibility of the Safeguarding Business Unit Manager or Statutory Review Group Chair(s) to escalate to the Executive Board any issues with agencies not engaging with the statutory review process. It will be for the Executive Board to determine whether to seek to use its legal powers to compel engagement.
- 9.11.** Presentation of final reports will be to the Executive Board for agreement. All named agencies and other interested parties must have the opportunity to see and comment on the report and its findings prior to it being presented to the Executive Board. In relation to DHRs the Independent Chair will make the final decision to accept the report, in consultation with the Executive Board.
- 9.12.** Due to the need for urgency in relation to Rapid Reviews, the decision to submit a report to the National Panel will be made outside of the meeting process by the majority decision of the representatives of the three statutory partners. They must agree this decision in writing with two working days.
- 9.13.** The decision whether to publish a CSPR or SAR will be made by the Executive Board at the time of accepting the report.
- 9.14.** The decision for submission of a DHR to the Home Office Quality Assurance Panel will be made by the Executive Board. Once approved by the Panel, the Executive Board will approve whether to publish locally.
- 9.15.** The decision whether to disclose information from Statutory reviews will be taken by the Independent Chair in consultation with Statutory Partners, following the process and principles set out in Appendix 2.

9.16. Complaints received by the Board will be dealt with in line with the policy set out in Appendix 5.

9.17. All published reports will be placed on the KBSP website.

10. Resources

10.1. The Executive Board will ensure that an adequate and reliable pooled budget and other resources are available to maintain the KBSP Business unit, and to deliver and scrutinise the strategic plan for the KBSP arrangements.

10.2. The partner organisations share responsibility for determining the level of contributions required from each agency and the use of those resources. The Executive Board will review contributions required from relevant statutory board partners every three years to ensure that financial responsibilities are shared equitably. Any changes to agency contributions are to be agreed no later than October each financial year.

10.3. The budget will be administered by Bristol City Council, on behalf of the partners.

10.4. The pooled budget will be sufficient to:

- drive forward the day-to-day business of the Executive Board including the monitoring and evaluating of its work.
- ensure collaboration across the partners is delivered both operationally and tactically.
- take forward staff training and development.
- provide administrative and organisation support for the Executive Board and its subgroups, and those involved in policy and training.
- contribute to any agreed regional supporting arrangements.
- employ an Independent Chair.
- commissioned and respond to the findings of statutory reviews.

10.5. Specifically, the budget should be sufficient to fund the Safeguarding Business Unit to undertake the work required to coordinate and deliver the work of the Executive Board.

10.6. Bristol City Council Legal Services will provide legal advice and Bristol City Council Communications Team will provide communications advice to the Executive Board unless to do so would constitute a conflict of interest. Legal advice will be free of charge for core board work as set out in the written agreement (Appendix 4). By exception, any advice or representation needed beyond this will be funded by the Executive Board.

10.7. In the case of conflict of interest, either another member agency will provide legal or communications advice or independent legal or communications advice will be commissioned. The decision to commission independent legal or communications advice will be made by the majority decisions of the representatives of the three named partners on the Executive Board.

11. Business Planning

11.1. The Executive Board will arrange the production of a Strategic Plan supported by a Business Plan each year. The Plan will set out the Executive Board's strategic priorities and a work programme for the forthcoming year and will include measurable objectives and progress. There will be a progress report to review the Business Plan every six months. The production and review of the Plan will be led by the Executive Board who will meet eight times per year to drive forward the business. The Strategic Plan will be made available to each member agency, relevant inspectorates, the Regional Office of the NHS England and the wider community.

11.2. In establishing the strategic plan, the Executive Board will refer to key information including Joint Strategic Needs Assessment data and the Police and Crime Commissioner Policing and Crime Plan, and feed into regional plans such as the Southwest Reducing Reoffending plan.

11.3 Any other plans strategies that are relevant to the work of the board.

12. Business Delivery and Performance Groups

12.1. The Executive Board will constitute six Business Delivery and Performance Groups, leading on delivery of the plan:

- Keeping Adults Safe group
- Keeping Children Safe group
- Keeping Communities Safe group
- Domestic Abuse & Sexual Violence
- Participation, Engagement & Communication group
- Family Hub Programme Board

The serious violence duty (Police, Crime, Sentencing and Courts Act 2022) is managed through the serious violence group which is a subgroup of the Keeping Communities Safe group. Terms of reference for these group can be found here.

12.2. There will be two separate Statutory Review Groups:

- Safeguarding Adult Review/ Domestic Homicide Review subgroup
- Child Safeguarding Practice Review subgroup

12.3. Partners will identify suitably qualified, skilled, and committed staff to actively contribute to the Business Delivery and Performance Groups in order to deliver the agreed plan.

12.4. Pace and traction in the priorities of the Executive Board will also be supported using task and finish groups, who are commissioned to find solutions to systemic problems, including but not limited to domestic abuse, contextual safeguarding and drug and alcohol treatment.

12.5. Partnership arrangements will engage with any regional subgroups, as agreed by statutory partners, where additional value is added to the work of the Bristol partners by working together on a wider footprint.

13. Public Participation and Engagement

13.1. The Executive Board has a duty under the Care Act 2014 to consult with Healthwatch and the local community on the development and content of its strategic plan.

13.2. The Executive Board also has a duty under the Crime and Disorder Act 1998 to regularly engage and consult with the community about their priorities and progress achieving them.

13.3. The Executive Board will ensure that it puts arrangements in place to consult with and respond to the voice of children and families.

13.4. This will be achieved through the Children's Shadow Board, Domestic Abuse Survivor Forum, adult consultation and engagement groups, and consulting with those who have had to seek the support of the adult safeguarding system, victims of crime and disorder in particular victims of criminal exploitation, sexual violence, and domestic abuse, and by engaging with substance misuse services.

14. Information sharing and Governance

14.1. The Safeguarding Business Unit is hosted by Bristol City Council, who is the data controller for the Executive Board and sub structures. Agencies remain data controllers for their own data, and do not enter into joint data ownership unless specifically stated.

14.2. Information sharing is undertaken within the relevant statutory framework, a summary of which is set out below:

- The General Data Protection Regulation (GDPR) supplement by; Data Protection Act 2018
- The Freedom of Information Act 2000
- Human Rights Act 1998 (Article 8)

14.3. The Safeguarding Partnership Board is not subject to the Freedom of Information Act 2000 (FOIA). Some member agencies of the Partnership will be subject to FOIA and will need to deal with any requests that they received regarding information relating to the Partnership that they hold in accordance with the legislation and their own internal legal advice.

15. Dispute Resolution

15.1. Working collaboratively to safeguard, promote welfare and increase safety in our communities is at the heart of our arrangements. Through effective leadership, openness, transparency and effective professional challenge, there is a

commitment to resolving any disputes locally between the core partners, relevant agencies and wider partnership members in a timely fashion.

15.2. If there is a professional dispute between Executive Board members this will be resolved in the first instance through mediation between the Executive Board members facilitated by the Independent Chair, if resolution is not possible the matter will be referred to the Chief Officers for final decision.

16. Liability

16.1. Notwithstanding any other provision of this constitution, but subject to any separate written agreement between the executive members, each executive member accepts that the Executive Board is not an incorporated organisation and so individual member organisations will be liable in respect of any successful action brought against the Executive Board (or its constituent members) in relation to a decision made by the Executive Board.

17. Review of the Constitution

17.1. This constitution will be reviewed every two years as a minimum and in response to any significant changes to statutory guidance or delivery of these arrangements. The review of the constitution will be the responsibility of the KBSP Business Manager in consultation with Statutory Partner Organisations for review and approval through the Executive.

Appendices

Appendix 1 Code of Conduct

Keeping Bristol Safe Partnership (KBSP) Code of Conduct Executive Board Member

Name _____

Organisation _____

Job Title _____

Duty of confidentiality

- I understand that confidential information relevant to the work of the Executive Board is subject to the common law Duty of Confidence, General Data Protection Regulations 2016, the Data Protection Act 1998 the Human Rights Act 1998 and of the Caldicott principles.
- I undertake to ensure that confidential information is obtained and processed fairly and lawfully; is only disclosed in appropriate circumstances; is accurate, relevant, is not held longer than necessary; and is kept securely.

As a member of the Executive Board, I undertake that:

- I will declare in writing to the Chair of the Executive Board any financial interest - whether direct or indirect in any existing or proposed matter being considered by the Executive Board.
- I will declare in writing to the Chair of the Executive Board any interest or association with any Executive Board activity, which could cause a potential conflict of interest.

- I will carry out a strategic role in relation to safeguarding and promoting the independence, wellbeing and safety of children and adults at risk and communities.
- I have the authority to speak on behalf of my organisation to represent its views and various duties.
- I am authorised to account to my organisation on all matters relating to safeguarding children and adults at risk and communities and to recommend ways to implement necessary changes within my organisation.
- I am able to commit my organisation to deploy resources to support safeguarding work by the allocation of financial or human resources to directly support the achievement of the KBSP's agreed objectives; I will ensure that the safety and wellbeing of children and adults at risk and communities is promoted within services provided by my organisation.
- I will develop my knowledge and understanding of safeguarding in order to keep up to date and to share this expertise within the Executive Board and my own organisation.

I undertake to contribute to the effective functioning of the KBSP by:

- Attending all meetings and if unable to attend I will send written response to agenda items in advance, as appropriate.
- Ensuring that staff and volunteers within my organisation are kept fully informed of the KBSP's work.
- Representing the interests of children, adults at risk and communities on other committees that I am a member of.
- Contributing to the work of the subgroups by identifying and mandating appropriate delegates from my own organisation and ensuring that they keep me informed as appropriate.

Signature: _____

Date: [Click here to enter a date.](#)

Appendix 2 Child Death Overview Process

Two partners are responsible for the Child Death Review process – the Local Authority and the NHS BNSSG Integrated Car Board. Additionally, the Police work in partnership with the responsible partners in this process.

The Child Death Overview Panel (CDOP) remains a function of the children’s multi agency safeguarding arrangements in *Working Together to Safeguard Children 2018*. The CDOP reviews all child deaths of children normally resident in the area it serves. The joint panel for Bristol and surrounding local authority areas will continue, as it is compliant with the 2018 guidance, to enable learning from a larger cohort than could be achieved as a single authority area.

The Bristol CDOP Processes are set out in the published CDOP arrangements.

The CDOP is accountable to the Department of Health and NHS England.

https://www.safeguarding-bathnes.org.uk/sites/default/files/woe_cdop_publication_document_bnssg_arrangements_fin_al_270619.pdf

Appendix 3 Agreement for legal advice to the board

Legal Advice that will be provided without charge:

- Legal Services will attend Executive Board meetings if requested to do so and/or there is a specific item on the agenda that requires legal advice.
- Legal advice will be sent in writing in advance if needed to statutory review group meetings and Lawyers will attend for complex matters or if they are specifically requested to do so. This would be for example, where reviews are in the early stages of planning, or where draft reports are being presented.
- The Head of Legal Services will attend Executive Board meetings where reports are being presented and input into publication planning meetings
- Legal Services will give advice in respect of policies and procedures that are being developed/amended by the Executive Board.
- Legal Services will meet regularly with the Business Manager to cover any issues arising, including statutory review progress.

Legal advice that that is outside of the core work for the Executive Board:

- Counsels advice - to be agreed and funded by Statutory Partners
- Preparation for and attendance at Court, including Coroners Court

Appendix 4 Disclosure of Information from Statutory Reviews

The KBSP play a crucial role in the safeguarding of children within their areas. One of the most important ways that this role is fulfilled is by carrying out statutory reviews. The purpose is not to attribute individual blame but of individually and collectively learning lessons for the future, with a focus upon inter-agency cooperation.

The effectiveness of Statutory reviews requires the cooperation of the individual contributing agencies involved and those working within them. It is imperative that in order for professionals to have the confidence to fully engage in learning reviews that they have an expectation of confidentiality from the process.

It is the role of the overview report authors to analyse the information contained in the background reports to draw overall conclusions, bring together the learning and identify recommendations for action within the overview report.

The full overview report will usually be published thereby publicly reporting robustly and transparently on the learning from the review. In a case where it is considered by the Board that it would not be possible to publish the report in full, the emergent learning will be reported upon in the relevant board annual report, again ensuring transparency.

The Overview report is commissioned by the Board. Any background documents are written as part of the review to inform the report, and having been commissioned by the Board, are in the possession and control of the Board rather than the individual agencies who have contributed to the process.

There may be a request to disclose information to external parties such as the Coroner; the Police; legal representation of the family or subject(s).

It is established in guidance and case law that in order for there to be openness and candour within the SAR process, it is necessary to protect confidentiality particularly in relation to related agency reports. This must be balanced with general principles of openness and transparency applicable to public process, and compliance with relevant legislation in relation to disclosure of information.

It is for the Board to decide whether documents should be disclosed, and the Chair of the board will do so in consultation with the agencies concerned. Should a single agency receive a disclosure request for documents prepared as part of a statutory review, it should not responded but be forwarded to KBSP business unit to deal with in line with this policy. Requests for disclosure of other information held by agencies will be for the agency to decide.

Other than the final report, documentation will not usually be disclosed save where the Board is ordered to do so.

Requests by the Police

These will be dealt with in line with the with the guidance document attached here:



Liaison and
information exchange

NB This framework is currently being revised. It is recognized that it is out of date but is still valid guidance and will be used until the new version is available. Requests from the Coroner

Disclosure to the Coroner is based on the public interest in a fair hearing as well as the need to the court to have all relevant information before it. This is balanced by the public interest in agencies being able to learn from incidents that have happened. It is recognised that this may require that information is not disclosed in some circumstances.

Good practice provides that the Coroner should be informed that the KBSP has commissioned a SAR

If the Coroner requests disclosure of information, case law dictates what should be disclosed and legal advice should be sought before a response is made. The Chair will decide in consultation with participating agencies.

Appendix 5.1 Complaint Procedure for Statutory Reviews

Keeping Bristol Safe Partnership

Complaint Procedure for Statutory Reviews

This procedure relates to Safeguarding Adult Reviews (SAR), Child Safeguarding Practice Reviews (CSPR), and Domestic Homicide Reviews (DHR), as described in the Constitution and Terms of Reference 2019 Section 9.

It does not cover complaints about section 42 Care Act safeguarding enquiries, which will be dealt with under the Statutory Adult Social Care complaint process.

Complaint

It has been agreed that the Local Authority will administer complaints about the process or actions of the Executive Board.

A complaint can be made about issues applicable to the Executive Board such as:

- The conduct of the Independent Chair appointed by the Local Authority on behalf of the Executive Board.
- Failure to follow due constitutional process in decision making.
- Failure to disclose a conflict of interest in the Executive Board or Statutory Review Group and to take due steps to manage this.

- Failure to discharge statutory functions in line with the legislation.

Or a complaint can be made about specific issues about Statutory Reviews, such as:

- Whether local guidance has been followed in making a decision about whether to undertake a statutory review or not.
- Whether policies and procedures have been followed.
- The length of time taken by the Executive Board to conclude a review.
- Communication with the individual or their representative.
- Failure to appropriately involve an adult with care and support needs or their representative;
- Failure to appoint an advocate.

This list is not exhaustive, and complaints will be considered on a case-by-case basis.

Decisions on the outcomes of statutory reviews are not considered under this process.

A complaint concerning a statutory review will be accepted from:

- The subject of the review.
- Any individual named in the review.
- An individual, acting on the behalf of an individual who can complain, where consent has been given.
- An individual acting on behalf of an individual who can complain but lacks capacity to provide consent, where it is considered in their best interests to accept the complaint.
- An individual acting on behalf of a deceased individual where they have sufficient interest to raise the complaint.
- An organisation that is not a statutory member of the Board but is a named party within a review.

Process

Where an individual wishes to make a complaint, they should visit the Keeping Bristol Safe Partnership website: <https://bristolsafeguarding.org/> and follow the complaints process.

The complaint will be received by the Joint Safeguarding Business Unit who will notify the Customer Relations Team.

The Joint Safeguarding Business Unit will acknowledge the complaint within 3 working days (See Template Complaint Response, Appendix 1) and allocate to the Keeping Bristol Safe Partnership Business Manager (Respondent).

Copies of the complaint will be shared by the respondent with the Independent Chair and the named Safeguarding Lead for the Police, Integrated Care Board and the Local Authority (See Constitution and Terms of Reference 2019 Section 2) who will be responsible for identifying a respondent in the event that the Business Manager is unavailable.

If the Business Manager is the subject of the complaint, it will be allocated to the relevant manager within Bristol City Council, who will become the respondent.

The respondent will contact the complainant either by telephone or in writing within 5 working days to discuss the detail of the complaint.

The respondent should determine:

- The complaint to be investigated;
- Complainant's desired outcomes;
- The methodology of dealing with the complaint (e.g. key persons to be interviewed, relevant paperwork, policies and legislation);
- When complainant should expect to receive a written response.

Following the fact-finding telephone call or meeting, the respondent will write to the complainant within 2 working days setting out the action plan they have agreed.

Within 15 working days of the complaint being received, the respondent will send a written response to the complainant (See Appendix 6: Template Complaint Response) to include:

- Explanation of how complaint was investigated;
- Conclusions reached;
- whether the complaint is upheld or not
- Actions to be taken as a result of complaint;
- Information about escalation.

The time can be extended depending on the complexity of the complaint.

The Respondent will have access to information relevant to the complaint held by the Executive Board, and by members of the Statutory Review Group who contributed to a decision or action which is the subject of complaint. The respondent will consult the Independent Chair to inform of the response, unless they are the subject of the complaint when it will be escalated to the named Safeguarding Lead for the Police, Integrated Care Board and the Local Authority.

The report will be shared with the Executive Board Independent Chair.

Where there is confidential or sensitive information involved, a decision will need to be made as to how much information can be shared with the complainant.

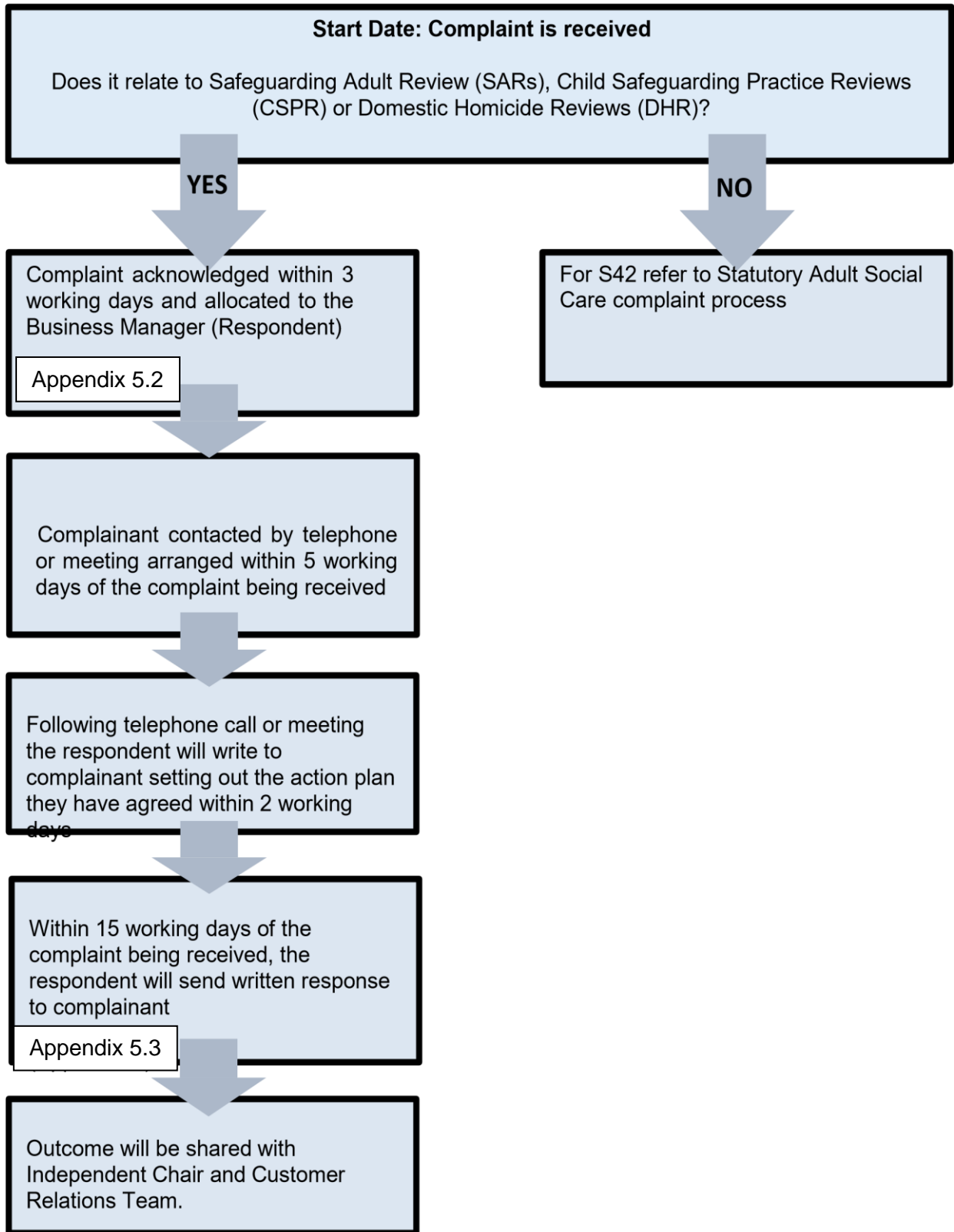
The complainant will be kept informed of the progress of the complaint.

Copies of response letters will be sent to the Customer Relations Team for reporting and monitoring purposes.

If the complainant is dissatisfied with the outcome of the complaint, they can contact the Business Manager within 15 days. The Business Manager will request one of the named Safeguarding Leads (the Police, Integrated Care Board and the Local Authority) to allocate a manager to review the decision.

Alternatively, the complaint may be able to pursue their complaint with the Local Government and Social Care Ombudsman (LGSCO).

The LGSCO's key test for whether they can investigate the complaint is whether the remedy can be achieved by the Local Authority, rather than some other body participating in the work of the Board.



Appendix 5.2 Complaint Acknowledgement

Private and Confidential

Reply to
Telephone
E-mail
Our ref.
Your ref.
Date

Dear

Thank you for telling us your concerns about xx.

Your complaint has been given to xx. They will contact you to discuss the issues you have raised. You may be able to discuss the matter by telephone, or a meeting may be arranged.

Xx will want to agree with you:

- the issues that you are concerned about;
- how you see the problem being resolved;
- how the complaint will be looked into;
- how you will be told about the outcome;
- the date you should know the outcome.

Sometimes, it may not be possible to let you know the outcome by the agreed date because, for example, a key person has not been available to speak to. If this happens, xx will get in touch with you to agree a new date when you should know the outcome.

I hope it will be possible to resolve your concerns as soon as possible.

Yours sincerely

Appendix 5.3 Complaint Response Template

Private and Confidential

Reply to
Telephone
E-mail
Our ref.
Your ref.
Date

Dear

Re: Your complaint about xx

Thank you for meeting with me on *date* to discuss your complaint.

or

Thank you for your letter of *date* telling us about your complaint.

To confirm, your complaints are as follows:

1. Complaint one:.....

2. Complaint two:.....

And so, on

In our meeting *or* in your letter you said that you are looking for the following to happen to resolve your complaint (your desired outcomes):

- List desired outcomes here

I've looked into your complaints and have responded to each one below:

1. Complaint one

*You need to say whether you consider the complaint or any part of it to be upheld or not or whether you have been unable to reach a conclusion. You need to **provide evidence** to show how you have reached your conclusion, e.g., from staff and witnesses interviewed, records, policies, procedures, regulations, etc. If you have partially upheld a complaint, state clearly which parts are upheld and which parts are not.*

2. Complaint two, etc.

In terms of your desired outcomes,

This is the place where you address each of the desired outcomes in turn, explaining clearly whether you will be taking any action, and why. For upheld complaints, you will need to consider whether the desired outcome can be met or whether an alternative or

additional action is required to remedy any injustice caused. Possible remedies could include:

- an apology;*
- practical action specific to the particular complainant;*
- a review of practice;*
- a financial remedy;*
- an assurance that the Board will monitor the effectiveness of its remedy.*

If you consider that the complaint is not upheld, this is where you sensitively say that it is with regret that you are unable to agree to whatever they're asking for, giving reasons.

I hope that this response has fully explained how your complaint has been dealt with. If you have any further queries please contact me again.

In respect of SARs, if you are unhappy with the outcome of your complaint, you may wish to contact the Local Government and Social Care Ombudsman:

Telephone: **0300 061 0614**

www.lgo.org.uk

Yours sincerely