

Keeping Bristol Safe Partnership

Constitution and Terms of Reference 2019

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1. Establishment and Title

1.1. Keeping Bristol Safe Partnership (hereinafter referred to as 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.

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 2018 specifies that under new arrangements, there are three statutory partners who 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 Clinical Commissioning Group.

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 Clinical Commissioning Group and the chief officer of the Police for that area should be represented.

1.5. The Crime and Disorder Act 1998 established Community Safety Partnerships (CSP) (then known as crime and disorder reduction partnerships). 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 latterly the Crime and Disorder Regulations 2011. Taken together, these define the Police, the Local Authority, Probation, Fire and Rescue Service and Clinical Commissioning Groups 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:

- Executive Director of People, Bristol City Council¹

¹BCC has approved the nomination of this role in the absence of a Chief Executive (CX) role in the council. In the BCC structure the CX responsibilities as related to safeguarding are delegated to the Executive Director – People.

- Chief Executive Officer, Bristol, North Somerset, South Gloucestershire Clinical Commissioning Group (BNSSG CCG)
- Chief Constable, Avon and Somerset Police.

The above together with;

- Probation
- 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 2018 requires the Executive Board to identify those relevant agencies whose involvement is required to safeguard and promote the welfare of children and families. These are set out in the published Safeguarding Arrangements document: <https://bristolsafeguarding.org/children-home/about-us/keeping-bristol-safe-partnership/>

2.2. The lead representatives have delegated their functions as set out below including 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, People, Bristol City Council
- Director of Nursing and Quality, BNSSG CCG
- Superintendent, Neighbourhood and Partnerships, Avon and Somerset Police
- Office of the Police and Crime Commissioner (Observer status given PCC role of holding CSP to account)
- Head of Bristol and South Gloucestershire LDU, National Probation Service
- Assistant Chief Probation Officer, Community Rehabilitation Company
- VCSE sector (through VOSCOUR, the local VCSE support and development agency)
- Education sector (nominated head teacher)
- Director, Children and Families Services, Bristol City Council (Deputy DCS)
- Director, Adult Social Services (DASS)
- Area Manager - Risk Reduction, Avon Fire and Rescue

2.5. The Executive Board members with delegated authority will be competent to:

- 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 Board 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 the lead representatives 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

2.6. The agencies identified in paragraph 2.4 are the full members of the Executive Board. The 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 an 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 8 times a year to deliver its statutory functions. Meetings will be supported by the Safeguarding Business Unit, who will be responsible for the preparation of the agenda and circulation of papers. Papers will be circulated 7 days in advance. Draft minutes will be circulated 7 days following each meeting and approved at the subsequent Executive Board.

3.2. Quorum for each meeting will be 5:

- 2 of the 3 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 5.

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 Executive 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 2018)
- the contribution of resources including the budget, the commissioning and acceptance of statutory reviews:

Save 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 CSP to commission and accept the review.

3.7. The decision making process with regards to statutory reviews is set out at section 9 of this constitution.

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.

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.

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 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. 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.

5.4. 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.

5.5. 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

5.6. Ensure safeguarding practice is cognisant of 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.

5.7. In relation to Community Safety the Executive Board's duties are addressed elsewhere in 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).

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 2 years.

6.3. Bristol City Council Executive Director for People is 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 Clinical Commissioning Group.

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 People with the agreement of the Executive Board, including Partner agency representation from Avon and Somerset Constabulary and the BNSSG Clinical Commissioning Group.

This will be in line with BCC 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 discharging 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 leaders 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 in particular by consulting 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 Keeping Bristol Safe Partnership fulfils its duty for CSPs and Police and Crime Commissioner (PCC) to 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

6.10. The Executive Board and Independent Chair activities and performance with regards to Action Plan outcomes will be also be held to account by the Accountability Oversight Group, who will be the lead Councillors for Adults, Children and Community Safety from Bristol City Council, the Police and Crime Commissioner and representative of the Executive Board from NHS BNSSG CCG. This group will meet three times a year to review and oversee the work of Keeping Bristol Safe Partnership.

- 6.11.** The Bristol City Council Executive Director of People will, on behalf of the Executive Board, report to the relevant scrutiny commissions of BCC, 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.

7. Annual Report

- 7.1.** 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:

- Mayor Bristol City Council
- The Police and Crime Commissioner for Avon & Somerset
- Chief Constable Avon and Somerset Constabulary
- Chief Executive BNSSG Clinical Commissioning Group
- Bristol Health and Wellbeing Board Chairs
- Healthwatch Bristol
- Bristol City Council Scrutiny Commissions

- 7.2.** The annual report will also be submitted, within 7 days of publication, to the child safeguarding practice review panel and the What Works Centre of Children's Social Care.

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

8. Decision making and commissioning for Statutory Reviews

- 8.1.** The Executive Board is responsible for commissioning and responding to the findings of the three types of statutory reviews:

- Child Safeguarding Practice Reviews
- Safeguarding Adult Reviews
- Domestic Homicide Reviews

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

- 8.2.1.** 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.

- 8.2.2.** 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

8.3. 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

8.4. 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 he was related or with whom he was or had been in an intimate personal relationship, or
 - b) a member of the same household as himself, 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.

8.5. 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 meets or may meet the criteria for review
- A Statutory Review Group chaired by a representative of one of the Partners will be convened with membership of safeguarding or community safety senior operational professionals
- It is the Review Group's 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, including any professional difference of views
- The lead representatives or their delegates in relation to CSPR 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. The three lead representatives must have a named deputy who can make this decision in their absence
- 8.6.** The decision-making and timeliness in relation to CSPR and SAR will be subject to scrutiny by the Independent Chair.
- 8.7.** 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.
- 8.8.** Any statutory review will be commissioned, through the Bristol Statutory Review process.
- 8.9.** The Statutory Review Group will have oversight of:
- 8.9.1. The review process
 - 8.9.2. The quality and timeliness of reviews being delivered and managed by convened statutory review panels, and
 - 8.9.3. Delivery against the review's action plans by the Executive and the Business Delivery and Performance Groups.
- 8.10.** 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.
- 8.11.** 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.
- 8.12.** Given the need for urgency, the decision for submission of reports to the National Panel for Rapid Reviews for CSPRs 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.
- 8.13.** The decision whether to publish a CSPR or SAR will be made by the Executive Board at the time of accepting the report.

8.14. The decision for submission of a DHR to the Home Office Quality Assurance Panel and approval of publication locally once approved by the Panel will be made by the Executive Board.

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

9. Resources

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

9.2. 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.

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

9.4. The pooled budget will be sufficient to:

- drive forward the day to day business of the Executive Board including the monitoring and evaluation 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 sub-groups, 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

9.5. 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.

9.6. 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.

NB. Legal advice will be free of charge for core board work as set out in the written agreement (Appendix 1). By exception, any advice or representation needed beyond this will be funded by the Executive Board.

9.7. 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.

10. Business Planning

- 10.1.** 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 regular half-yearly progress report to review the Business Plan. 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.
- 10.2.** In establishing the strategic plan the Executive Board will make reference to key information including Joint Strategic Needs Assessment data and the Police and Crime Commissioner strategic assessment, and feed into regional plans such as the South West Reducing Reoffending plan.
- 10.3.** Bristol City Council Public Health will produce the annual strategic risk assessment on behalf of the KBSP and make recommendations on priorities to the Executive Board for approval.

11. Business Delivery and Performance Groups

- 11.1.** The Executive Board will constitute three Business Delivery and Performance Groups, leading on delivery of the plan:
- Keeping Adults Safe
 - Keeping Children Safe
 - Keeping Communities Safe
- 11.2.** There will be also be Statutory Review Groups
- 11.3.** 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.
- 11.4.** Pace and traction in the priorities of the Executive Board will be also be supported by the use of task and finish groups, who are commissioned to find solutions to systemic problems, including domestic abuse, contextual safeguarding, drug and alcohol treatment.
- 11.5.** Partnership arrangements will engage with any regional sub groups, as agreed by statutory partners, where additional value is added to the work of the Bristol partners by working together on a wider footprint.

12. Public Participation and Engagement

- 12.1.** 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.
- 12.2.** 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.
- 12.3.** The Executive Board will ensure that it puts arrangements in place to consult with and respond to the voice of children and families.
- 12.4.** This will be achieved through Children’s Shadow Board, adult consultation and engagement groups, 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.

13. Information sharing and Information Governance

- 13.1.** 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.
- 13.2.** 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)
- 13.3.** The position has been established previously that Safeguarding Boards are not subject to the Freedom of Information Act 2000 (FOIA). Given that the membership of the Partnership is the same as it was for the Boards, this position will have remained the same. Of course many of the members of the Partnership will be subject to FOIA and would need to deal with any requests that they received regarding information relating to the Partnership that they held in accordance with the legislation and their own internal legal advice.

14. Dispute Resolution

- 14.1.** 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.
- 14.2.** 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 lead representatives for final decision.

15. Liability

15.1. 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.

16. Review of the Constitution

16.1. This constitution will be reviewed annually and referred to Statutory Partner Organisations for review and approval.

Appendices

Appendix 1

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 in to 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 2

Child Death Overview Process:

Two partners are responsible for the Child Death Review process – the Local Authority and the NHS BNSSG CCG. 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_final_270619.pdf

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, CCG 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 paper work, 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 B: 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, CCG 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, CCG 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 1

Complaint Acknowledgement

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

Complaint Response Template:

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 or not 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.

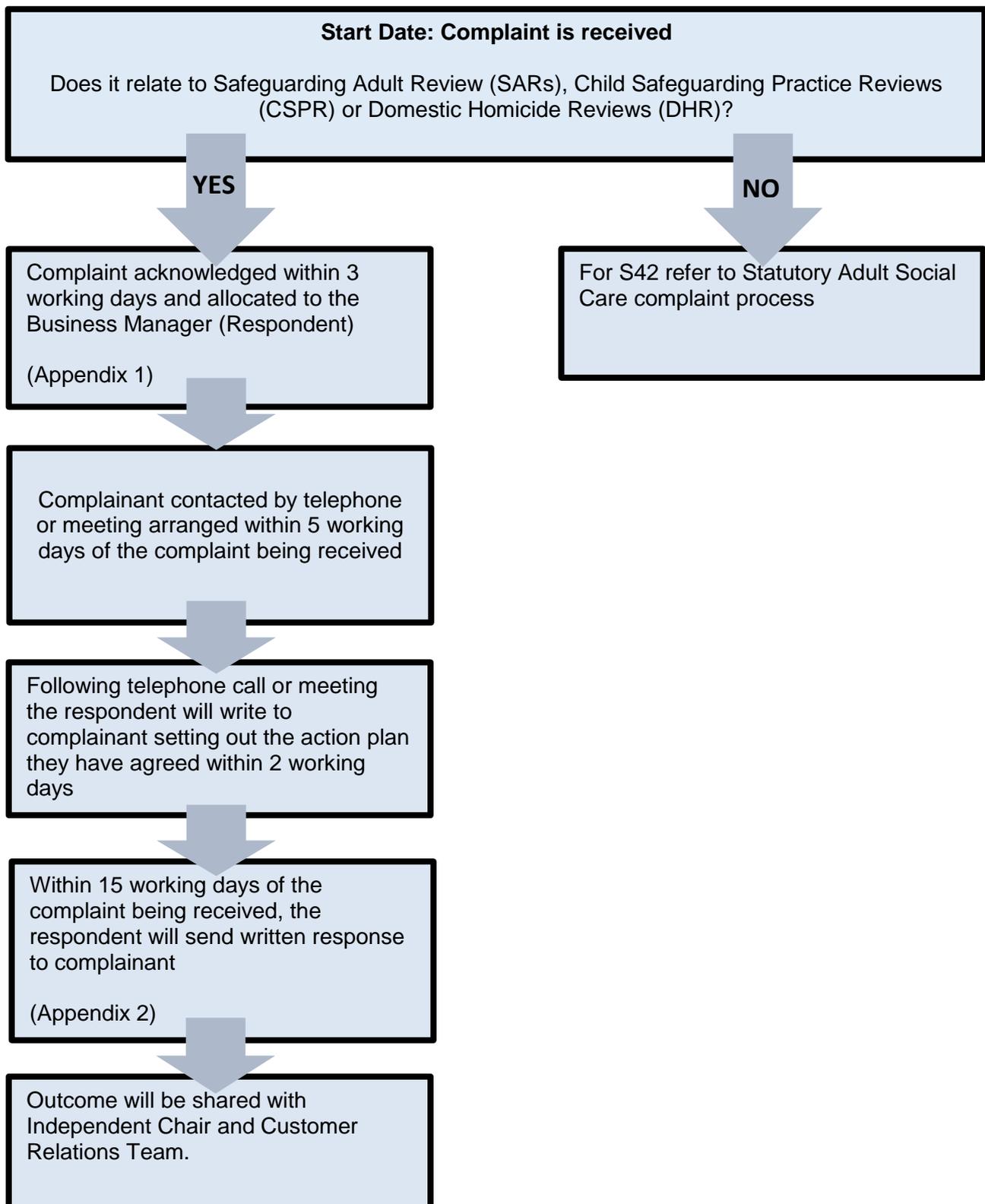
In respect of SARs, if you are unhappy with the outcome of your complaint, you may wish to contact the Local Government and Social Care Ombudsman:

Telephone: **0300 061 0614**

www.lgo.org.uk

Yours sincerely

Appendix 3



Appendix 4

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 declaring 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 sub-groups 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.](#)