

NORTH DEVON COUNCIL

SAFEGUARDING POLICY

Version Control

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Owners: Head of Environmental Health and Housing / Head of Human Resources

Version: Final

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1. INTRODUCTION

- 1.1 This policy is based on the District Council responsibilities under:
- 1.1.1 The Care Act 2014, in particular Sections 42 to 46, related to safeguarding. Further information can be found at: <http://www.legislation.gov.uk/ukpga/2014/23/contents/enacted>
 - 1.1.2 The Children Act 2004, specifically Section 11 which places a duty on key people and public bodies, including district Councils, to make arrangements to ensure that their functions are discharged with regard to the need to safeguard and promote the welfare of children. Further information can be found at: <http://www.legislation.gov.uk/ukpga/2004/31/contents>
 - 1.1.3 The Counter Terrorism Act 2015, Section 26, which places a duty on certain bodies, in the exercise of their functions, to have due regard to the need to prevent people from becoming terrorists or supporting terrorism. The Prevent Agenda is one of four strands which makes up the Government's counter-terrorism strategy. Further information can be found at: <http://www.legislation.gov.uk/ukpga/2015/6/contents>
 - 1.1.4 The Modern Slavery Act 2015. Further information can be found at: <http://www.legislation.gov.uk/ukpga/2015/30/contents/enacted>
 - 1.1.5 The Anti-Social Behaviour, Crime and Policing Act 2014, in particular Part 10 relating to forced marriage. Further information can be found at: <http://www.legislation.gov.uk/ukpga/2014/12/contents/enacted>
 - 1.1.6 The Serious Crime Act 2015, particularly Part 5 relating to female genital mutilation, child cruelty and domestic abuse. Further information can be found at: <http://www.legislation.gov.uk/ukpga/2015/9/contents/enacted>
 - 1.1.7 The policy is written with reference to the principle of Think Child, Think Parent, Think Family. Further information can be found at: <http://www.publichealth.hscni.net/publications/think-child-think-parent-think-family-0>

2. POLICY COMMITMENT

- 2.1 Devon District Councils believe that all children, young people and adults have the right to be safe, happy and healthy and deserve protection from abuse. The Councils are committed to safeguarding, from harm, all children, young people and adults with care and support needs (*see definition in point 4 relating to the Care Act 2014*) using any Council services and involved in any of their activities, and to treat them with respect during their dealings with the Councils, our partners and contractors.

3. AIMS OF THE POLICY

3.1 The aims of the policy are to:

- Establish the roles and responsibilities of all parties within scope of the policy.
- Minimise chances of abuse through effective Council recruitment and selection procedures.
- Have procedures in place for dealing with concerns through the process of timely and appropriate reporting of issues to Devon County Council.
- Support the promotion of a safe working environment and a culture of care in which the rights of all children, young people and adults with care and support needs, are protected and respected.
- Promote best practice in how employees and associated workers interact with children, young people and adults with care and support needs while providing Council services.
- Develop clear guidance and procedures for those employees working with children, young people and adults with care and support needs and ensure, through training and support, that they are aware of these procedures and able to implement them.
- Provide a framework for developing partnerships with appropriate external bodies, e.g. Devon Children & Families Partnership and Devon Safeguarding Adults' Board, to ensure that the policy continues to reflect legal and best practice requirements in respect of the responsibility of care of children, young people and adults with care and support needs.

4. SCOPE OF THE POLICY

4.1 The policy is in respect of the District Council's responsibility towards:

- Children and young people, legally defined as any person under the age of 18. From this point the terms child or children will be used to refer to this group.
- Adults with care and support needs are defined under the Care Act 2014 and for the purposes of this policy, as anyone over the age of 18 who:
 - Has needs for care and support (*whether or not the local authority is meeting any of those needs*) and;
 - Is experiencing, or is 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. Further information on safeguarding adults and the types and indicators of abuse, can be found at:
<https://www.scie.org.uk/publications/ataglance/69-adults-safeguarding-types-and-indicators-of-abuse.asp>
- The employees of the Council who have dealings with children, young people and adults with care and support needs and who are required to act in a position of trust and to act responsibly and within the law.
- The employees and elected Members of the Council who, while not required to act in a position of trust, will come into contact with members of these groups on a regular basis during the course of their work.
- Volunteers and other workers involved in the provision of Council services, but not employed by the Council, including workers in organisations with whom the Council has contracts for the delivery of services.

4.2 It covers all the functions and services of the Council, its elected Members, employees, partners and contractors.

4.3 This document is primarily concerned with protecting children, young people and adults with care and support needs from harm and providing guidance on how to deal with issues. In accordance with this statutory framework, this policy should be read in conjunction with other Council policies which promote well being.

4.4 The policy does not cover health and safety issues such as use of play equipment or provision of food at events. Separate guidance on this and appropriate behaviours when dealing with children and adults with care and support needs, should be read in conjunction with this policy.

4.5 This policy should also be used in conjunction with the following documents:

- Disciplinary Procedure.
- Grievance Procedure.
- E-mail, Internet and Acceptable Usage Policy.
- Equality in Employment Policy.
- Complaints and Feedback Procedure.
- Health & Safety at Work guidance.

5. RESPONSIBILITY

5.1 Responsibility for the maintenance and implementation of this policy is that of the Chief Executive, in conjunction with Head of Service.

5.2 It is the responsibility of Heads of Service to disseminate and discharge the policy within their area of responsibility, however, accountability for the implementation of this policy lies at all levels of the Council.

5.3 The Chief Executive/SMT will safeguard children and adults with care and support needs, by:

- (i) Putting in place effective recruitment and selection procedures for staff and volunteers to screen out and discourage unacceptable people working with children and adults.
- (ii) Having in place, procedures which ensure the capability of the Council to deal with any concerns raised by any member of the public, elected Member or employee.
- (iii) Ensuring that all parties or contractors involved in the provision of Council services for children and adults, adopt appropriate and safe recruitment and adopt/adhere to safeguarding policies and procedures.

5.4 The Chief Executive/SMT will monitor the implementation of the policy across the Council.

5.5 Elected Members should report any concerns to the Corporate Safeguarding Lead.

5.7 The Corporate Safeguarding Lead has responsibility for:

- Recommending to SMT new/revised policies and procedures, so that the Council can safeguard children and adults in accordance with its legal obligations.
- Developing and implementing a performance framework and reporting on the Council's safeguarding performance to SMT.
- Promoting the policy within the Council.
- Procuring and directly providing training, so that officers can undertake their safeguarding roles successfully and efficiently.
- Ensuring there is a secure central record relating to allegations and investigations.
- Acting as multi agency partner on the Local Children and Families Partnership and Local Adult Safeguarding Board.
- Working with other district authorities to share best practice and create a shared culture for Devon.
- Offering training to new and existing staff on a regular basis.

5.8 Service Managers are responsible for:

- Ensuring that employees, volunteers and other workers dealing with these groups, are adequately trained and aware of their responsibilities in this area.
- Supporting employees who have identified a concern and who are then unsure on what action is required. This may involve taking advice from internal colleagues and/or external partners, and then making a decision on whether to proceed and make a formal referral.
- Ensuring that external contractors, delivering Council services, are aware of the Council's expectation that workers are aware of, and abide by, the standards of behaviour expected of Council employees.
- Ensuring that carers and/or parents of the children and adults with care and support needs are aware that, in providing services, Council employees are not normally acting in place of a parent, except in relation to events for unaccompanied children who have been formally registered.
- Ensuring the carers and/or parents of the children and adults with care and support needs who are in direct receipt of Council services¹ are made aware that services will be delivered in line with this policy.

¹ For example: this would include arranging accommodation for a vulnerable adult or holding an event for children at the museum. It would not include arranging accommodation for a family with children where the contract is with the parents/carers.

- Ensuring that any evidence or complaint of abuse or lack of care, is reported to the appropriate body, e.g. Devon County Council, Safeguarding Board or the Police, and to Council's Human Resources where members of staff are involved.
 - Ensuring that employees and others do not work with children or adults with care and support needs on regulated activities without an appropriate Disclosure & Barring Service (DBS) disclosure.
 - Working with other associated agencies to ensure the proper transfer of information relating to dealings with children and adults with care and support needs, where necessary.
 - Ensuring that adequate supervision and support is available to those who have been directly involved in dealing with safeguarding cases, including a debrief of the case and any relevant outcomes.

5.9 In addition to the above, Members of the Senior Management team will:

- Identify those services and posts that are likely to have an involvement with children and adults with care and support needs, and undertake an appropriate risk assessment of posts in respect of DBS disclosure requirements.
- Ensure that those people appointed by them to the District Council, whose normal duties fall into the definition of Regulated Activity, as defined in the Safeguarding Vulnerable Groups Act 2006 and amended by the Protection of Freedoms Act 2012, are subject to the appropriate level of DBS disclosure and are appropriately qualified and/or trained in working with these groups.
- Ensure that all necessary procedures and practices are in place to provide adequate protection both for the individuals in these groups but also protection for the employees involved with them.
- Ensure that proper records are kept of any incidents occurring within their service and that these are held securely and/or passed on to the Council's Human Resources if the incident involves an employee.
- Ensure that the procurement framework for the Authority includes expectations upon contractors to demonstrate effective safeguarding practices for all their employees.
- Contractors' safeguarding practice is verified by contract monitoring.

5.10 The Human Resources Manager is responsible for:

- Working with Senior Managers in maintaining a record of those posts, requiring a DBS disclosure, together with the level of disclosure required.

- Ensuring that recruitment procedures are robust and that information pertinent to working with these groups is obtained during the recruitment procedure.
- Ensuring that DBS disclosures are carried out in compliance with legislation and DBS guidance.
- Supporting Senior Managers in dealing with allegations of abuse or lack of care by staff.
- Referring information to the DBS and Local Authority's Designated Officer (LADO) about employees who have been dismissed or removed from working with vulnerable groups (*or would have been had they not left/resigned*), as a result of a relevant caution/conviction, conduct that has harmed or put a child/vulnerable adult at risk of harm, or satisfied the 'Harm Test' in relation to vulnerable groups.

5.11 All employees, and particularly those working with children and adults with care and support needs, are responsible for:

- Ensuring that they are familiar with, and understand the policies and procedures relating to their work with or in, the vicinity of children and adults with care and support needs.
- Ensuring that they feel confident in working within this environment and working with their Managers to ensure that they have the knowledge and skills to carry out their tasks in this context by identifying any training needs.
- Treating all those children and adults with whom they come into contact while carrying out their work equally and with respect.
- Making a MASH enquiry or Care Direct referral, if they have concerns about abuse or a lack of care of children and adults with care and support needs, either from other staff, carers, parents or those in place of a parent or between members of the group, providing they feel confident and competent to do so.
- Immediately raising safeguarding concerns quickly to their Service Manager, when there is a need to seek appropriate advice to make the necessary judgements.
- More information on making a MASH enquiry can be found at:

<https://www.dcfp.org.uk/training-and-resources/making-a-mash-contact/>

- The contact for reporting adult safeguarding concerns is available at:
<https://www.devonsafeguardingadultspartnership.org.uk/reporting-a-concern/>
- Taking personal responsibility for their own welfare related to distressing or difficult disclosure of case outcomes and engaging in appropriate levels of support as required by the situation or the organisation.

5.12 Volunteers, partners, contractors and other workers are responsible for:

- Working with employees of the Council, to the same standard, in ensuring the safety and wellbeing of children and adults with care and support needs within their scope.
- Participating in any training or development opportunities offered to them to improve their knowledge of skills in this area.

6. REVIEW

6.1 This policy and the guidance will be reviewed annually or whenever there is a change in the related legislation or an emerging risk is identified. This will help us ensure that these documents are up-to-date and fit for purpose.

7. MONITORING THE EFFECTIVENESS OF THE POLICY

7.1 The Council will undertake to evaluate the effectiveness of this policy. The key performance indicators comprise:

- Number of cases of concern resulting in a MASH or Care Direct referral.
- The uptake of staff training.
- SMT will also evaluate the effectiveness of this policy by carrying out ad-hoc staff surveys.

7.2 The Council's safeguarding performance will be highlighted to Members via the quarterly Performance and Financial Management reports.