

Agenda Item

REPORT OF **Head of Legal & Governance**

To: **Full Council**

Subject: **Safeguarding Policy**

Date: **20th September 2021**

Reference:

PURPOSE OF REPORT:

To Approve the Revised Safeguarding Policy

1. INTRODUCTION

TDC have a statutory duty (together with other key organisations) to ensure we have arrangements in place to ensure our functions in respect of safeguarding are discharged and to work alongside other organisations to protect people's right to live in safety, free from abuse and neglect.

As a Local Authority our safeguarding responsibilities are to ensure that measures are in place locally to protect and promote the safety and welfare of children, young people and adults. This also includes any services that we contract to others.

We can discharge our function through a range of duties such as having a clear line of accountability and by having staff with the required knowledge and skills to take responsibility for the authority's safeguarding arrangements. The Council has a designated safeguarding team for this purpose.

In addition, we are also joint members of the Devon wide safeguarding group and we work alongside other agencies such as housing services and health bodies to ensure we all co-ordinate and work effectively in relation to safeguarding issues.

2. REPORT

The purpose of this report is for Full Council to adopt the attached Safeguarding Policy. The Policy reflects the Government's "*Working Together 2018*" document and the LGA's "*Making Safeguarding Personal*" framework to strengthen our current safeguarding arrangements.

The aims of the Policy are to ensure that there are clear lines for reporting safeguarding concerns, whilst making it clear that safeguarding is a responsibility for all.

TDC work in conjunction with partners such as the Devon Safeguarding Adults Partnership, Devon Children and Families Partnership, Devon Districts Safeguarding Officers Network, and North Devon Community and Torridge Community Safety Partnership to ensure that we are as effective and proactive as possible in satisfying our safeguarding obligations.

Safeguarding training is mandatory for all staff and is incorporated within our induction training for all new staff and members.

The Policy is designed to confirm the roles and procedures of all parties, and to promote best practise across Torridge.



Safeguarding is also incorporated into other Council policies such as recruitment and DBS checks are undertaken upon appointment and at regular interval for relevant job roles.

TDC do not provide Children or adult care services and therefore we are not responsible for investigating allegations or deciding whether abuse is taking place. That is a County Council function. Our role is to provide assurance on the measures that we have in place by referring safeguarding concerns and preventing known abusers from being employed in posts where they may come into contact with vulnerable people.

3. IMPLICATIONS

Legal Implications

As set out in the report.

Financial Implications

N/A

Human Resources Implications

As set out in the report

Sustainability Implications

N/A

Equality/Diversity

As set out in the report

Risk Management

TDC have a statutory duty to ensure we have effective safeguarding measures in place and to protect and promote the safety and welfare of children, young people and adults. If we do not have adequate measures in place, then we would be failing in our statutory duty. Safeguarding is noted on the Corporate Risk Register

Compliance with Policies and Strategies

It is a requirement that we review and update our Safeguarding Policy regularly and ensure that safeguarding practise are incorporated into other Policies if applicable.

Ward Member Views

Cllr Hurley Lead Member for Safeguarding

I am very pleased that the Torridge Safeguarding Policy has been updated. This version shows in clear terms what our responsibilities are with regard to safeguarding vulnerable adults, young people and children and also who and where we go, to escalate our concerns. It also makes it clear that safeguarding is a responsibility for all. I am aware that other Council policies such as recruitment incorporate DBS checks which are undertaken upon appointment. Safeguarding is also incorporated into other Council policies such as recruitment and DBS checks are undertaken upon appointment. Unfortunately these DBS checks do not extend to Members and since we are all responsible for Safeguarding I feel that they should. Let me add, that I appreciate the reasons why the checks are not



compulsory for Members. I fully endorse the Recommendation at the end of the report that Members adopt the revised Safeguarding Policy."

4. CONCLUSIONS

Our previous safeguarding policy was approved in 2016 so it is necessary to review and update. The Policy makes it clear as to what to do in the event of a safeguarding incident and has clear lines of reporting. It also clarifies that safeguarding is a responsibility of all, and that it is embedded within other Council policies highlighting we take our safeguarding responsibility seriously as an authority.

5. RECOMMENDATIONS

That Members adopt the revised Safeguarding Policy.

SUPPORTING INFORMATION

Consultations:	Chief Executive, Head of Communities and Place, Head of Finance, Safeguarding Group
Contact Officer:	Staci Dorey
Background Papers:	Safeguarding Policy



TORRIDGE DISTRICT COUNCIL

SAFEGUARDING POLICY



(2021) **Safeguarding Policy**

Introduction

This policy is based on Torridge District Council's responsibilities under:

- The Care Act 2014 Sections 42 to 46 related to safeguarding, further information can be found at: <http://www.legislation.gov.uk/ukpga/2014/23/contents/enacted>. The Care Act 2014 sets out a clear legal framework for how local authorities and other statutory agencies should protect those who are vulnerable against the risk of abuse or neglect.
- The Mental Capacity Act 2005 provides a statutory framework for people who lack capacity to make decisions for themselves.
- The Human Rights Act 1998 applies to all public authorities. Organisations must comply with the Act and the individuals rights when providing a service or making decisions that impact on the individuals rights.
- The Children Act 2004, specifically Section 11 which places a duty on key people and public bodies, including District Councils, to plan 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>
- 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 Governments counter-terrorism strategy. Further information can be found at: <http://www.legislation.gov.uk/ukpga/2015/6/contents>
- The Modern Slavery Act 2015. Further information can be found at: <http://www.legislation.gov.uk/ukpga/2015/30/contents/enacted>



- 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>
- 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>
- 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>
- Any other duties which may be enacted falling under the general safeguarding umbrella.

Policy commitment

Torrige District Council believes that all children, young people, and adults have the right to be safe, happy, and healthy and deserve protection from abuse. TDC 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) use any council services and/or are involved in any of their activities, and to treat them with respect during their dealings with the councils, our partners, and contractors.

Guiding Principles

- Everyone's responsibility** (Officers & Councillors);
- Prevention**; - Strategies in place to prevent abuse, and neglect and promote resilience;
- Protection**; - Offering individuals ways to protect themselves and ensure there is a co-ordinated response to safeguarding issues;
- Partnership**; - Local solutions working together within communities;
- Empowerment**; - Encouraging individuals to make their own decisions with support and information.
- Accountability** – Accountability and transparency in delivering a safeguarding response.

Aims of the Policy

The aims of the policy are to:

- Clarify the roles and responsibilities of all parties within scope of the policy.
- 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.
- Have procedures in place for dealing with concerns through the process of timely and appropriate reporting of issues to the appropriate agency such as the Police or Devon County Council.
- 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 and able to implement them.



- Provide a framework for developing partnerships with appropriate external bodies e.g. Devon Safeguarding Children Board and Devon and Torbay Safeguarding Adults Partnership, 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.

Scope of the Policy

The policy is in respect of TDC'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 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.
 - 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, staff, 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. However, it is important to remember that safeguarding has a wider meaning which includes the promotion of welfare and taking action to enable all children, young people and adults with care and support needs to have the best life outcomes. In accordance with the statutory framework, this policy should be read in conjunction with other Council policies which promote well being.
- 4.3 The policy does not cover health and safety issues related to safeguarding children 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.
- 4.4 Where available this policy should also be used in conjunction with the following documents:
- Disciplinary Procedure;
 - Grievance Procedure;



- Whistle Blowing Policy;
- Information Security Policy;
- Equality Policy;
- Complaints & Feedback Procedure;
- Health & Safety at Work guidance
- Code of Conduct

Responsibility

Responsibility for the implementation of this policy lies at all levels of the council.

Elected Members are responsible for ensuring that the council has a policy, which adequately provides protection for children and adults with care and support needs in receipt of its services and for the regular review of this policy in the light of changes to legislation e.g. Data Protection Act, or new legislation or regulation.

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

A designated Lead Member will be appointed to assume lead responsibility for safeguarding.

There are a number of safeguarding staff across the council situated in teams and services which have the most experience of dealing with safeguarding issues in their day to day work. In addition Torridge District Council has appointed a Corporate Safeguarding Lead (Head of Legal & Governance) responsible for co-ordinating the implementation of the policy.

TDC's Safeguarding Team are:-

- a) Staci Dorey - Head of Legal and Governance (Safeguarding Lead);**
- b) Janet Williams - Public Health and Housing Manager;**
- c) Sarah Ayres - HR and Communications Manager**
- d) Helen Page - Housing Options Manager**

The Lead Member for safeguarding is Cllr David Hurley

Responsibility for the implementation of this policy lies at all levels of the council.

When there are safeguarding concerns about a child, young person or adult at risk ALL staff and elected members will immediately assess if the person is immediate risk of harm or is a crime is being committed. If there is immediate risk they should call 999 without delay.

Any staff who have a safeguarding concern should in the first instance discuss the matter with a designated professional (such as the clients case worker) or if not known or available, any one of the safeguarding team who will decide whether or not to refer the matter to the appropriate external organisation.

The Safeguarding Team have responsibility for:

- Receiving concerns, discussing them with whoever has raised the concern and taking advice from the relevant partner agency/County Council service: this could include complex matters such as consent and whether parents/carers should be notified;
- Making a decision about how to proceed and whether to make a formal referral. If there is disagreement on the appropriate course of action to take then the safeguarding lead has the final decision. Where staff are dissatisfied with the decision of the safeguarding lead, they should report their concerns to their line manager in the first instance and or the Chief Executive;



- Ensuring the procedure is followed on such matters as making a referral, confidentiality and recording;
- Working with colleagues to improve practice across the organisation;
- In the event of an incident or query, should a safeguarding lead not be available, staff should go straight to The Chief Executive, or to a member of the Senior Management Team. They can be supported by a senior manager but details of any incident must not be shared unless absolutely necessary;
- Attending appropriate courses and updating of safeguarding legislation;

In addition the Corporate Safeguarding Lead has responsibility for:

- Ensuring there is a secure central record relating to allegations and investigations;
- Acting as multi agency partner on the Local Safeguarding Children Board and Local Adult Safeguarding Board;
- Advocating the importance of safeguarding to partners, contractors, and customers;
- Ensuring all safeguarding policies, procedures and guidelines are implemented and promoted

Line 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.
- 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 services ¹ are made aware that services will be delivered in line with this policy.
- 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 TDC's HR Team 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.

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 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.

In addition to the above, members of the senior management team are responsible for:

- Identifying those services and posts that are likely to have an involvement with children and adults with care and support needs, and undertaking an appropriate risk assessment of posts in respect of DBS disclosure requirements.
- Ensuring 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.
- Ensuring 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.
- Ensuring 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 a member of staff.
- Ensuring that the procurement framework for the authority includes expectations upon contractors to demonstrate effective safeguarding practices for all their staff.
- The Head of Legal and Governance is the lead officer with overall responsibility for the organisation's safeguarding arrangements.

Human Resources are 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 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.

All employees and particularly those coming into contact 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.
- Treating all those children and adults with whom they come into contact while carrying out their work equally and with respect.
- Reporting to the Safeguarding Team, any concerns they may have about abuse or a lack of care of children and adults with care and support needs either from other staff, from carers, parents, or those in place of a parent or between members of the group.

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

- Working with employees of the council, to the same standard, in ensuring the safety and well-being 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.

What is Abuse or Neglect

Abuse is considered to be a violation of rights. Defining abuse or neglect is complex and rests on many factors. The key consideration is a person being harmed or at risk of being harmed as a result of their own lack of action to resolve factors, or because of the action or inaction of others.

In self-neglect a person may be harmed as a result of their own lack of action to resolve factors which may seriously damage their well being.

Incidents of abuse may be a one off or multiple events.

Abuse can take place in any context. Patterns of abuse may be as follows:-

- a) Serial abuse in which someone seeks out and deliberately exploits an individual. Sexual abuse can sometimes fall into this pattern as to some forms of financial abuse;
- b) Long term abuse may occur in the context of an on-going relationship such as domestic abuse.
- c) Opportunistic abuse – such as theft occurring due to money or jewellery being left lying around.
- d) Self-neglect – where a person declines support and assistance with their care and support needs impacting on their individual well being.

Information Sharing

Information sharing must be consistent with the requirements of the Data Protection Act 2018 and General Data Protection Regulations. Whether information is shared with or without the consent of the person at risk, the information shared should be:-

- a) Necessary for the purpose for which it is being shared;
- b) Shared only with those who have a need to know in order to:
- c) Protect the vital interests of the person/public or;
- d) Prevent or detect a crime



The Care Act 2014 establishes the importance of organisations sharing vital information related to abuse or neglect.

Local Authorities must co-operate with each of their relevant partners as described in S6(7) of the Care Act

Staff should contact a member of the Safeguarding Team if they have any queries or concerns.

Review

This policy and the guidance will be reviewed every 3 years or whenever there is a change in the related legislation or an emerging risk is identified. This will help us ensure that this Policy is up to date and fit for purpose.

Monitoring the Effectiveness of the Policy

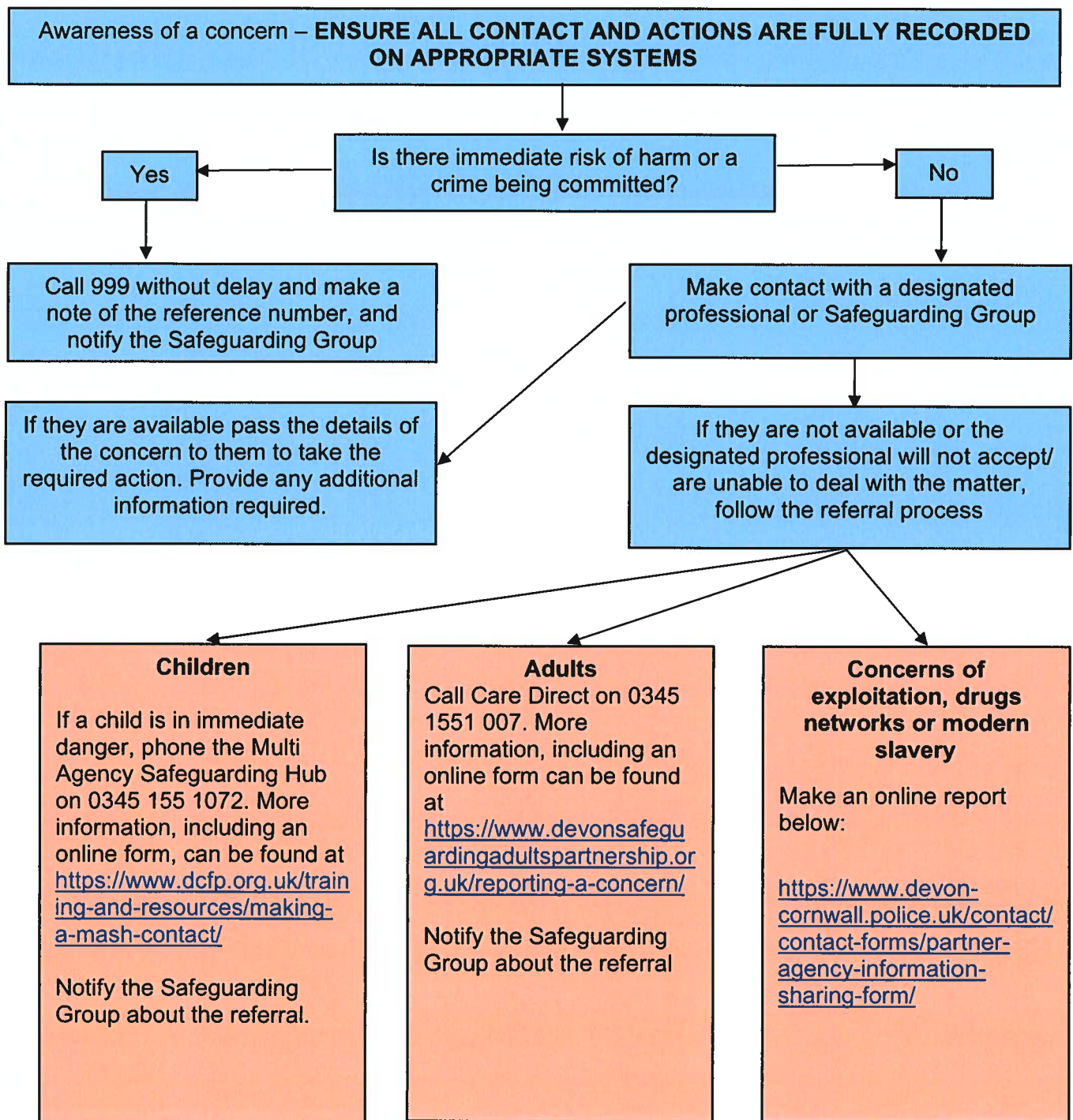
TDC will undertake to evaluate the effectiveness of this Policy. The Key Performance indicators will be:-

- a) The Number of cases of concern resulting in a MASH or Care Direct Referral;
- b) Staff and Councillor training;

TDC's safeguarding and performance will be highlighted to Councillors via yearly reporting to The Audit and Governance Committee and monitored through TDC's quarterly internal safeguarding meetings.



Appendix One - Safeguarding Flow Chart



When making a referral please find below a list of the information that may be required

- Your name, role and contact details
- Name, address and date of birth of the subject of your concern
- Details of any parents or carers relevant to the subject of concern
- Details of anyone who may be involved in the harm, neglect or abuse
- If consent has been provided for the referral, if not why it has not been requested, which may be because this may put the subject at increased risk
- Is there any relevant history known for this person
- Details of any specific incident of concern, time, location, witnesses etc
- Actions taken so far, have you referred to anyone else i.e. the Police or have you taken any immediate action to safeguard



