

**COMMUNITY WELL-BEING PDG  
28 JULY 2020**

**SAFEGUARDING POLICY, GUIDANCE AND PROCEDURES**

**Cabinet Member(s):** Cllr Dennis Knowles, Cabinet Member for Community Well Being

**Responsible Officer:** Mrs Jill May, Director of Corporate Affairs & Business Transformation and Corporate Safeguarding Lead Officer

**Reason for Report:** To provide Members with the updated Safeguarding Policy and a review of best practice.

**RECOMMENDATION:** That the Community Well-Being PDG notes there has been no significant changes with the Safeguarding Policy and guidance.

**Relationship to Corporate Plan:** The report helps the Council meet its legal responsibilities in respect to safeguarding and child protection and contributes to the Corporate Plan.

**Financial Implications:** To provide training for relevant staff.

**Legal Implications:** If we do not have appropriate policies and procedures in place we may not meet the requirements of relevant Safeguarding legislation i.e. the Children's Act 2004, Care Act 2014, etc.

**Risk Assessment:** Failure to have adequate policies and procedures in place may result in harm or injury to a child or adults at risk.

**Equality Impact Assessment:** Equality Impact Assessment: No equality issues identified for this report

**1.0 Introduction**

- 1.1 The purpose of this report is to update you on the Council's Safeguarding and Child Protection Policy.
- 1.2 The policy and procedures/guidelines reflect Devon Children and Families Partnership and Devon Safeguarding Adults Partnership referral process to ensure our procedures are up to date.
- 1.3 Council services that have direct contact with children or adults at risk or a direct role in maintaining their welfare are Housing, both Neighbourhoods and Housing Options, Leisure and Public Health & Regulatory Services. However, all services have a role in safeguarding and promoting the welfare of children and adults at risk through carrying out their duties.

## 2.0 Safeguarding Policy

2.1 There are a number of legislations relating to safeguarding and child protection, the main ones are Care Act 2014; Children's Act and Mental Capacity Act.

2.2 Under the Care Act (2014), an adult at risk is someone over 18 years old who: has care and support needs is experiencing, or is at risk of, abuse or neglect as a result of their care and support needs is unable to protect himself or herself against the abuse or neglect or the risk of it.

If someone has care and support needs but is not currently receiving care or support from a health or care service, they may still be an adult at risk.

2.3 The Care Act (2014) sets out the statutory requirement for local authorities, health, police and other agencies to both develop and assess the effectiveness of their local safeguarding arrangements. It sets out a clear legal framework for how local authorities and other parts of the health and care system should protect adults at risk of abuse or neglect. This is founded on the six key principles: Empowerment; Prevention; Proportionality; Protection; Partnership; Accountability.

2.4 Mental capacity and the Mental Capacity Act is our ability to make decisions about all aspects of our lives. This could be affected permanently or temporarily by an injury, a serious illness or a disability.

The Mental Capacity Act (MCA) (2005) protects those who lack capacity and empowers them to make decisions for themselves wherever possible. It applies to people over the age of 16.

The act explains in legal terms how to assess if someone has capacity to make their own decisions, and, if the person is unable to do this for themselves how decisions should be made on their behalf.

2.5 Children under the age of 18 years are protected by the Children's Act of 1989 and 2004. A person is a "child" until they reach 18 years of age.

The Children's Act 2004, adds to this stating that "Any reference to a child includes, in addition to a person under the age of 18, a person aged 18, 19 or 20 who

(a) has been looked after by a local authority at any time after attaining the age of 16; or

(b) has a learning disability ("learning disability" means a state of arrested or incomplete development of mind which induces significant impairment of intelligence and social functioning).

- 2.6 There have been no significant changes to Mid Devon District Councils Safeguarding Policy in the last 12 months.
- 2.7 We support the work of Safer Devon and its partners who are committed to supporting Devon's communities through preventing and tackling community safety issues which negatively affect local people and communities, such as domestic abuse, hidden and visible harm, exploitation, county lines, fraud and cybercrime and suicide prevention.

### **3.0 Training**

- 3.1 All employees have to read the MDDC Safeguarding & Child Protection Policy and guidelines annually and this is managed through the Learning Management System.
- 3.2 The Safeguarding Officer gave an update on child protection, modern slavery, child exploitation and safeguarding presentation to Elected Members in February 2020.

### **4.0 Monitoring**

- 4.1 Over the year the number of referrals and allegations made by staff has been recorded. These are monitored to make sure services are passing on the relevant information to other partner agencies and to ensure / evidence that the procedures put in place deliver. There were 12 incidents between April 2019 and March 2020 and 4 incidents led to closure orders under S76 (7) Anti-social Behaviour, Crime and Policing Act 2014.

**Contact for more Information:** Jill May Director of Corporate Affairs & Business Transformation.

**Circulation of the Report:** Leadership Team and Cabinet Member