

SAFEGUARDING POLICY, GUIDANCE AND PROCEDURES

Cabinet Member(s): Cllr N Woollatt, Cabinet Member for the Working Environment & Support Services

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

Reason for Report: To provide Members with an update on our Safeguarding and a review of best practice.

RECOMMENDATION: That the Cabinet notes the Safeguarding Policy has been reviewed and there have been no amendments to the policy in the last 12 months.

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. (See Appendix 1)
- 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 and 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.

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Circulation of the Report: Leadership Team and Cabinet Member

Safeguarding Policy

VERSION CONTROL SHEET

Title: **Safeguarding Policy**

Purpose: Mid Devon District Council is committed to safeguarding from harm all children, young people and adults with care and support needs 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.

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Version Number: **4.0**

Status: **Final**

Review Frequency: **Every year**

Next review date: **August 2021 unless legislation has been amended**

Consultation **This document was sent out for consultation to the following:**

Document History

This document obtained the following approvals and is valid on the date printed.

Title	Date	Version Approved
Safeguarding Policy – Community PDG	20/11/2018	3
Scrutiny Committee	14/01/2019	3
Cabinet		3
Community PDG	28/07/2020	4
Cabinet	6/08/2020	4

SAFEGUARDING POLICY

APPENDIX

1

1. INTRODUCTION

- 1.1 Mid Devon District Council is committed to safeguarding from harm all children, young people and adults with care and support needs (see definition in point 3.1 relating to the Care Act 2014); that is using any council services and involved in any activities, to be treated with respect during their dealings with the council, our partners and contractors.
- 1.2 We aim to act as an exemplar of safeguarding practice providing strong leadership and improving safeguarding standards through having a robust safeguarding policy and monitoring system.

2. Aims of the Policy

- 2.1 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, elected members 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, elected members and associated workers 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 Children and 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.

3. Scope of the Policy

- 3.1 The policy is in respect of Mid Devon 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 need for care and support (whether or not the local authority is meeting any 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.
 - Further information on safeguarding adults and the types and indicators of abuse, can be found at:
<https://www.scie.org.uk/publications/ata glance/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 which the council has contracts for the delivery of services.
- 3.2 It covers all the functions and services of the council, its elected members, staff, partners and contractors.
- 3.3 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.
- 3.4 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.
- 3.5 In accordance with this statutory framework, this policy should be read in conjunction with other Council policies which promote wellbeing.

4. Legal Framework

- 4.1 This policy is based on Mid Devon District Council's 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 being drawn into 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: <https://www.devonchildrenandfamiliespartnership.org.uk/documents/2014/10/think-family-protocol.pdf/>

5. Supporting structures, policies and procedures

- 5.1 Responsibility for the maintenance and implementation of this policy is that of the Director of Corporate Affairs & Business Transformation (Corporate Safeguarding Lead Officer) who has overall responsibility for the organisation's safeguarding arrangements.
- 5.2 It is the responsibility of group managers/service leads to disseminate and discharge the policy within their area of responsibility; however accountability for the implementation of this policy lies with all levels of the council.
- 5.3 In addition the council has appointed a 'Corporate Safeguarding Officer' responsible for co-ordinating the implementation of the policy and providing a single point of contact.
- 5.4 The Corporate Safeguarding Officer has responsibility for:
- recommending to Leadership Team 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 committee.
 - 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.

- working with other district authorities to share best practice and create a shared culture for Devon.
 - advocating the importance of safeguarding to partners, contractors and customers
 - ensuring all safeguarding policies, procedures and guidelines are implemented and promoted
- 5.5 In addition the Corporate Safeguarding Officer chairs a Safeguarding Representatives Group made up of a number of staff across the different services of the council. This group will have an operational overview of safeguarding issues in service areas, together with actions that could be taken.
- 5.6 Safeguarding Representatives 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 corporate safeguarding officer has the final decision. Where staff is dissatisfied with the decision of the corporate safeguarding officer, they should report their concerns to their line manager in the first instance and can still make a referral if they have strong concerns.
 - 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, if the corporate safeguarding officer not available, staff should go straight to the relevant Devon County Council service. 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.
- 5.7 Any staff who has a safeguarding concern should in the first instance discuss the matter with any one of the safeguarding representatives who will make a decision whether or not to refer the matter to the appropriate external organisation. A suite of supporting procedural documents is made available to all staff on the council's sharepoint site.
- 5.8 Mid & East Devon Community Safety Partnership also deals with some safeguarding issues on a district wide basis such as domestic & sexual violence and abuse, modern slavery, child sexual exploitation and preventing violent extremism. The specialist lead for community safety and emergency planning sits on the corporate safeguarding group so is able to ensure that the work of the corporate safeguarding group supports that of the community safety partnership and vice versa.
- 5.9 This policy should also be used in conjunction with the following documents:

- Disciplinary Procedure
- Grievance Procedure
- Whistle Blowing Policy
- IT Acceptable Use Policy
- Equality and Diversity Policy
- Complaints & Feedback Procedure
- Dignity at Work Policy
- Health & Safety at Work guidance
- Disclosure & Barring Policy

6. Responsibilities

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

6.1.1 Members

Elected members are collectively 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 or regulation.

Each Mid Devon District Councillor has the personal responsibility to comply with the policy.

Elected Members should report any concerns to the corporate safeguarding lead or the corporate safeguarding officer or safeguarding representative.

The Portfolio Holder for Community Wellbeing has lead responsibility for safeguarding and child protection.

6.2 Officers

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.
- Treating all those children and adults with whom they come into contact while carrying out their work equally and with respect.
- Reporting to a safeguarding representative or to make a Multi-Agency Safeguarding Hub (MASH) enquiry or contact Care Direct with a 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

- More information on making a Multi-Agency Safeguarding Hub (MASH) enquiry can be found at:
<https://new.devon.gov.uk/educationandfamilies/child-protection/making-a-mash-enquiry>
- 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.

6.3 Leadership team is required to ensure good governance of the organisation and has responsibility to make sure this policy is consistently applied and taken into account when setting strategic direction and reviewing performance.

Members of Leadership Team are also responsible for:

- 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 the procurement framework for the authority includes expectations upon contractors to demonstrate effective safeguarding practices for all their staff.

6.4 The Corporate Safeguarding Lead, Corporate Safeguarding Officer and Human Resources 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 Disclosure & Barring Service 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 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 team if the incident involves an employee.
- 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 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 team where employees, volunteers and contractors are involved and to the Monitoring Officer where elected members 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.

6.5 Human Resources are responsible for:

- Working with group managers / service leads in maintaining a record of those posts, requiring a disclosure & barring service 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 Disclosure & Barring Service Disclosures are carried out in compliance with legislation and disclosure & barring service guidance.
- Supporting group managers / service leads in dealing with allegations of abuse or lack of care by staff.
- Referring information to the Disclosure & Barring Service 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.

6.6 Volunteers, contractors, suppliers and consultants 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.

6.6.1 A requirement to comply with equality legislation will be included in all contracts and service level/delivery agreements. Failure to comply may lead to the termination of contracts. Organisations doing business with us are welcome to adopt our safeguarding policy for their own use.

7. Events and land hire

7.1 Any organisation who has lease agreements or regularly hire out or lease council facilities or open spaces, should have appropriate safeguarding procedures in place. They should also ensure any volunteer or employee that has unsupervised contact

with children, young people or adults with care and support needs undertakes a Disclosure & Barring Service check.

- 7.2 A positive disclosure is a certificate that shows cautions, warnings or convictions. They may show spent convictions and also unspent convictions and for enhanced checks, they will also show information that a police force deems relevant to disclose based on the nature of the job that the individual will be undertaking. The organisation will be required to use a positive disclosure & barring service disclosure decision sheet to make an assessment about a volunteers' suitability to be named as the safeguarding representative for the event.
- 7.3 Any safeguarding concerns on council land should be reported to corporate safeguarding officer or a safeguarding representative. (Not negating a need to call police in a safeguarding emergency) safeguarding representatives are able to provide further advice and support to groups or organisations.

8. Grant applications

- 8.1 All organisations seeking funding from the council are expected to have appropriate safeguarding policies and procedures in place according to the level and type of their activities. Such policies should include Disclosure & Barring Service checks for all employees and volunteers working with children, young people and adults with care and support needs. Evidence of these policies and procedures may be requested as part of the grant making process.
- 8.2 As a minimum, an organisation will be expected to have a policy statement or procedure relating to safeguarding. Commissioned, contracted or grant funded organisations with minimal contact with children, young people and vulnerable adults may wish to adopt the councils Safeguarding Policy and procedures if deemed suitable.

9. Review

- 9.1 This policy and the related guidance will be reviewed annually or sooner if required whenever there is a change in the related legislation or an emerging risk is identified. This will include an on-going review of guidance, both nationally and locally, to ensure the council meets requirements to safeguard children, young people and adults, and there are appropriate procedures and protocols in place.
- 9.2 The council's scrutiny function will also have a role in scrutinizing and challenging the corporate safeguarding policy and the work of the corporate safeguarding group. An annual report will be submitted to the Community Wellbeing PDG.

This policy should be read with the MDDC guides for managers and employees

This policy can be made available in large print and other formats such as printed on yellow paper, taped, Braille etc. as requested.