

SAFEGUARDING POLICY, GUIDANCE AND PROCEDURES

Cabinet Member(s): Cllr Clive Eginton, Cabinet Member for Working Environment and Support Services

Responsible Officer: Mrs Jill May, Director of Business Transformation & Operations and the Council's Corporate Safeguarding Lead Officer

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

RECOMMENDATION: That the Community Well-Being PDG recommends the Safeguarding Policy to Cabinet for approval. The content of the report is intended to provide an update on the safeguarding arrangements in place and to ensure the council addresses and embraces its responsibilities to safeguard children, young people and adults at risk.

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: There are no new financial issues arising from the report

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, young person or adult at risk.

Equality Impact Assessment: The Council needs to take full account of its duties under the Equalities Legislation to ensure that it understands the needs to people with protected characteristics in relation to safeguarding and to ensure that it can meet the needs of all in relation to safeguarding.

1.0 Introduction

- 1.1 The purpose of this report is to update you on the Council's Safeguarding and Child Protection arrangements.
- 1.2 As a District Council we have responsibility for safeguarding; our duty is to put into place a safeguarding policy and procedures, ensure that all employees and elected members are aware of the policy and procedures and to provide training and development on safeguarding. This also includes the making of referrals to the statutory agencies. Safeguarding is everyone's responsibility.

- 1.3 We need to ensure that children, young people and adults at risk are safeguarded within the services that we provide and for those we commission through the provision of safe environments and safe working practices. This would include safeguarding practices where external organisations use Mid Devon District premises or hold events on our land.
- 1.4 As a District Council we are required to engage with local partners including Devon Children's and Families Partnership and Torbay & Devon Safeguarding Adults Partnership.
- 1.5 The Corporate Safeguarding Officer meets with the Districts on a quarterly basis which includes a representative from the above partnerships (1.4) to share best practice and feed back to the boards.

2.0 Safeguarding Policy

- 2.1 Safeguarding is about keeping each other and ourselves safe, it is about speaking out and taking appropriate action to prevent any kind of harm or abuse from happening.
- 2.2 Our responsibility as a District Council is to put in place a safeguarding policy and procedures, ensure officers and members are aware of the policy and procedures and to provide training and development on safeguarding, to know what the signs of abuse are and to know when and how to report concerns.
- 2.3 The Council adopted the current safeguarding policy on 7 February 2019. The policy has not been amended during the last year (2021/2022). (see appendix 1).

3.0 Internal Audit

- 3.1 Devon audit partnership have carried out an audit on safeguarding in January 2022, the objective was to review safeguarding and establish that its operations and processes are effective and ensure the council is meeting its statutory obligations.
- 3.2 The overall findings of the audit report established a 'reasonable assurance' with a couple of opportunities to improve.
- 3.3 The Council has a statutory requirement under the Children's Act 2004 to provide a Section 11 Assurance statement annually, previously the council joined the other Districts of Devon and submitted a joint assurance statement.
- 3.4 The audit report highlighted the requirement for a new Section 11 Assurance statement, the council has chosen to submit its own statement which will be forwarded to the Devon Children's and Families Partnership by 31 March 2022.
- 3.5 One recommendation is to share the safeguarding knowledge with all members and take the same approach as we do for all officers. We use the

LMS system to assign e-training to officers and propose this approach to all members.

Safeguarding is everyone's responsibility and members are in a position where they meet their constituents and by having awareness training may assist members with identifying any concerns.

- 3.6 The Corporate Safeguarding Officer last gave an update face to face on child protection, modern slavery, child exploitation and safeguarding presentation to Elected Members in February 2020.

4.0 Community Safety Partnership/Safeguarding

- 4.1 The Modern Slavery Act 2015 ('the Act') introduced the powers that law enforcement agencies needed to pursue, disrupt and bring to justice those engaged in human trafficking, slavery, servitude and forced or compulsory labour.

The Home Office's [Statutory Guidance on Modern Slavery \(2021\)](#) ('the Statutory Guidance') is intended for staff in England and Wales within public authorities who may encounter potential victims of modern slavery and/or who are involved in supporting victims.

Mid Devon District Council has linked with Devon & Torbay Antislavery Partnership which has produced a joint Modern Slavery Adult Victims Protocol and Memorandum of Understanding (MoU) between Statutory Agencies to support potential victims and how to make referrals to the National Referral Mechanism.

- 4.2 Mid Devon District Council is required to publish a modern slavery statement on an annual basis under section 54 (Transparency in Supply Chains) of the Modern Slavery Act 2015. Statutory guidance states that the council should do this within 6 months of the financial year-end. Due to Covid 19 an extension of time was introduced meaning the statement must be posted by 31 March 2022.
- 4.3 Working in partnership with the specialist lead for community safety we have rolled out e-learning modules on the subjects of PREVENT and Domestic Violence & Abuse awareness training to all officers however we recognise the importance to share this training with all members. We are investigating Modern Slavery awareness training for all and specific training for officers who may come across modern slavery whilst carrying out their duties across the district.

5.0 Monitoring

- 5.1 Over the year the number of referrals and allegations made by officers totalled 41 incidents between April 2020 and March 2021, 33 referrals were made by our One Housing Service.

Contact for more Information: Jill May Director of Business Transformation & Operations and Council's Corporate Safeguarding Lead Officer.

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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Telephone Number: **01884 234381**

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Version Number: **4.0**

Status: **Final**

Review Frequency: **Every year**

Next review date: **March 2023 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
Community PDG	22/03/2022	4

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 Governments 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, young people and adults at risk 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 officer 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:
- [Conduct & 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.