

# Safeguarding Policy

November 2020

*Working together*



## **1. Introduction**

1.1 This policy is based on the councils 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 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>
- 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 South Hams District Council and West Devon Borough Council (to be referred in this document as South Hams and West Devon Councils or The 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.

## **3. Aims of the Policy**

3.1 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.
- Promote best practice in how employees and associated workers interact with children, young people and adults with care and support needs whilst providing Council services.

- Minimise the chances of abuse through effective Council recruitment and ensure that the Councils implement safer recruitment and selection practices robustly.
- Provide a framework for developing partnerships with appropriate external bodies such as Devon and Children's Family 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 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 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 Councils 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 Councils 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 Councils, 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 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.

4.4 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.

4.4 Where available this policy should also be used in conjunction with the following documents:

- Disciplinary Procedure
- Grievance Procedure
- Whistle Blowing Policy
- Access to Information Policy
- Acceptable Use of ICT Equipment Policy
- Equality, Diversity and Inclusion Policy (Due early 2021)
- Complaints & Feedback Procedure
- Bullying and Harassment Policy

- Health & Safety at Work guidance
- Domestic Abuse Policy for staff
- Domestic Abuse guidelines and further information for staff

## 5. Responsibility

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

<b>Elected Members</b>
<ul style="list-style-type: none"> <li>▪ 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</li> <li>▪ Report any concerns to the Safeguarding Lead or other available safeguarding champion</li> <li>▪ Appointing a lead member for Safeguarding which sits under the theme of Wellbeing</li> </ul>
<b>Senior Leadership Team</b>
<p>The Head of Paid Service / Chief Executive is the lead officer with overall responsibility for the organisation's safeguarding arrangements. This officer is also the designated child protection officer.</p> <ul style="list-style-type: none"> <li>▪ The Senior Leadership Team are responsible for ensuring that this policy, audit and related procedures are implemented, monitored and scrutinised</li> </ul>
<b>Extended Leadership Team</b>
<p>The Head of Housing, Revenues &amp; Benefits is the responsible officer with strategic responsibility for safeguarding and Child protection. In addition, to:</p> <ul style="list-style-type: none"> <li>▪ Ensure there are adequate Safeguarding Champions throughout the Council service areas</li> <li>▪ Ensuring that the procurement framework for the authority includes expectations upon contractors to demonstrate effective safeguarding practices for all their staff</li> <li>▪ 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/Personnel team if the incident involves a member of staff</li> <li>▪ 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</li> <li>▪ 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</li> </ul>
<b>Safeguarding Specialist</b>
<p>The Safeguarding Specialist is the Council's key policy advisor on safeguarding matters, with an enhanced knowledge of relevant legislation. In addition, to:</p> <ul style="list-style-type: none"> <li>▪ Advise 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</li> <li>▪ Advising the Safeguarding Champions by regular legislative updates and providing inputs on key issues</li> <li>▪ Provide support to staff</li> </ul>

- Report to Overview and Scrutiny Committees annually
- To work with other Safeguarding Leads across Devon to continually review practice and link into key organisation such as the Devon Safeguarding Adults Board and the Devon and Children Families Partnership
- To ensure that there is a secure central record relating to allegations and investigations
- Act as multi-agency partner on the Devon Children's and Family Partnership (previously known as the Devon Children's Safeguarding Board) and Devon Safeguarding Adult Board
- Advocate the importance of safeguarding to partners and customers
- Ensure all safeguarding policies, procedures and guidelines are implemented and promoted
- Provide robust responses as an active consultee on relevant policies introduced by South Hams and West Devon Councils
- 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 specialist/champion has the final decision. Where staff are dissatisfied with the decision of the safeguarding specialist/champion, they should report their concerns to their line manager in the first instance and can still contact the appropriate safeguarding agency if they have strong concerns.
- Ensuring the procedure is followed on such matters as making a referral, confidentiality and recording
- Working with colleagues to share and to improve practice across the organisation
- In the event of an incident or query, should the safeguarding specialist/champion not be available, staff should go straight to relevant safeguarding agency. The staff member can be supported by a senior manager but details of any incident must not be shared unless absolutely necessary
- Information should be documented in accordance with Safeguarding and Data Protection legislation
- The Safeguarding Specialist within South Hams and West Devon Councils will deliver safeguarding advice to staff

#### **Human Resources**

- Working with managers & Heads of Practices in maintaining a record of those posts, requiring a DBS disclosure together with the level of disclosure required and ensuring these are undertaken in compliance with legislation, the DBS policy and DBS guidance
- Ensuring that recruitment procedures are robust and that information pertinent to working with these groups is obtained during the recruitment procedure
- Supporting 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
- Ensure support is offered for staff who have been effected by their involvement in a safeguarding case

#### **Specialist Manager & Case Management Manager**

- Ensure that any evidence or complaint of abuse or lack of care by staff is reported to Human Resources
- 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 loco parentis, 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 <sup>1</sup> 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 council's Human Resources or Personnel 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
- Ensuring that adequate supervision and support is available to those who have been directly involved in dealing with safeguarding cases, including a de-brief of the case and any relevant outcomes

#### **Safeguarding Champions**

- Maintain an understanding of the key safeguarding risks as directed by the Safeguarding Specialist
- Be a point of contact for the service area, check the facts of the concern and discuss with the Safeguarding Specialist

#### **All staff**

- Treating all those children and adults with whom they come into contact while carrying out their work according to their needs and with respect
- Report safeguarding concerns and provide any evidence required to enable necessary safeguarding action to be taken
- If there is an immediate concern and risk of harm or a crime is being committed call 999 immediately
- If there is no immediate concern, make a note of the details of the concern and discuss with the Safeguarding Specialist or a Safeguarding Champion
- In the absence of the Safeguarding Leads speak to your Line Manager
- Ensure the details of the concern remain confidential and any notes are kept securely
- 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.
- Reporting to a safeguarding lead, 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 loco parentis or between members of the group

<sup>1</sup> 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.

- Any staff who have a safeguarding concern should in the first instance discuss the matter with the Safeguarding Specialist or one of the Safeguarding Champions who will make a decision whether or not to refer the matter to an appropriate external organisation

#### **Volunteers and contractors**

- 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
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## **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 ensure these documents are up to date and fit for purpose.