

Safeguarding Policy

Report to: **Executive**
Date: **4th February 2016**
Title: **Safeguarding Policy**
Portfolio Area: **Customer First**
Wards Affected: **All**
Relevant Scrutiny Committee: **Overview & Scrutiny**

Urgent Decision: **N** Approval and clearance obtained: **Y**

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Recommendations:

1. That the Executive Committee RECOMMENDs that Council agree to adopt the Safeguarding Policy

1. Executive summary

- This policy replaces the safeguarding policy last refreshed in 2013. The existing policy is no longer fit for purpose due to changes introduced as part of the Care Act 2014. This Safeguarding policy has been developed in partnership with the other Safeguarding Officers in Devon, who represent all of the District Councils. If adopted this will provide a consistent approach across the County.

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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.
- 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 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.

2. Background

This policy replaces the previous joint safeguarding policy, last updated in 2013. Since then a key piece of legislation – The Care Act 2014 has been introduced, increasing the responsibilities for local authorities around adults with care and support needs. Under this definition this is 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.

It is important that this new safeguarding policy makes provision for both children and young people and for adults with care and support needs in order for it to be fit for purpose.

The Council has previously had a safeguarding policy, and this underpins the statutory duty under section 11 of The Children's Act 2004. In which key people and bodies, including district councils are required to make arrangements to ensure that in discharging their functions they have regard to the need to safeguard and promote the welfare of children.

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The Policy clearly sets out what the public and other statutory and voluntary organisations can expect from the Council. It covers all the functions and services of the council, its elected members, staff and contractors. Working in partnership to develop a policy for the whole of Devon will ensure consistency and lessen any chance of confusion around roles and responsibilities for other organisation such as the police or Devon County who have dealings across the County and in the past have needed to know the very slight differences between 10 local councils.

3. Outcomes/outputs

Since the Council's safeguarding policy was last reviewed there have been several high profile safeguarding cases nationally. It is the intention that this policy will be complimented with comprehensive guides and training opportunities for staff and members and that safeguarding becomes embedded throughout the organisation as everyone's responsibility rather than a few designated officers. This will ensure we are proactively and collectively working together to protect children and adults with care and support needs in our local area. Key staff have already undertaken some training in May and June of 2015 towards these requirements.

4. Options available and consideration of risk

It is essential that we refresh the existing safeguarding policy to ensure it is fit for purpose following the introduction of the Care Act 2014.

The Council is required to complete an annual audit for the Children's safeguarding board. This is designed to monitor and challenge the effectiveness of our arrangements for the purpose of safeguarding and promoting the welfare of children. One of the key standards is that we are up to date with safeguarding legislation and that our in-house documentation aligns with this, also that we have effective safeguarding policies and procedures which are regularly reviewed. We would not meet the requirements of the audit if we could not meet this standard and would not easily be able to identify how we meet our statutory obligation under the Children's Act 2004 to cooperate in safeguarding children and protecting their welfare.

5. Proposed Way Forward

- 1) If this policy is agreed the intention is to roll out to officers and members at the earliest opportunity with a comprehensive guide and additional training opportunities. The Policy is clear that in the intention to make safeguarding the responsibility of all while supporting people to do this. This will help safeguarding to become firmly embedded in the ethos of the organisation
- 2) The proposed way forward is for Members to adopt the Safeguarding Policy, understanding that the same policy will be adopted by the other Devon Councils. The operational document – Safeguarding Guidelines may have

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some variation from other District Councils due to corporate alignment and working practises.

6. Implications

Implications	Relevant to proposals Y/N	Details and proposed measures to address
Legal/Governance	Y	The Children's Act 2004 Section 11 places a statutory duty on key people and bodies, including district councils, to make arrangements to ensure that in discharging their functions they have regard to the need to safeguard and promote the welfare of children. Section 10 outlines the duty to promote inter-agency cooperation between named agencies - including district councils.
Financial	N	There are no financial implications relating to adoption of this policy.
Risk	Y	It is necessary to have a policy to protect staff, Members and the public. The policy sets out responsibilities and expectations for all concerned.
Comprehensive Impact Assessment Implications		
Equality and Diversity	N	This policy does have high relevance to equality and has a positive or neutral impact on all protected characteristics
Safeguarding	Y	The policy is primarily concerned with safeguarding or children and adults with care & support needs
Community Safety, Crime and Disorder	Y	This policy has high relevance on community safety, crime and disorder and will be used for the purposes of detecting crime.
Health, Safety and Wellbeing	Y	This policy has high relevance to health safety and wellbeing of children and adults with care and support needs
Other implications		

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Supporting Information

Appendices:

Appendix 1 – South Hams & West Devon Safeguarding Policy 2016

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>

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>

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>

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>

Approval and clearance of report

Process checklist	Completed
Portfolio Holder briefed	Yes
SLT Rep briefed	Yes
Relevant Exec Director sign off (draft)	Yes
Data protection issues considered	Yes
If exempt information, public (part 1) report also drafted. (Committee/Scrutiny)	Yes

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