**POLICY AND RESOURCES COMMITTEE -**

**18 JULY 2016**

**PART I - DELEGATED**

**7. SAFEGUARDING CHILDREN, YOUNG PEOPLE AND ADULTS AT RISK POLICY**

(CED)

1. **Summary**

1.1 This report recommends the adoption of a new Safeguarding Children, Young People and Adults At Risk Policy.

2. **Details**

2.1 The Council adopted the latest version of its Safeguarding Children, Young People and Vulnerable Adults Policy at the Executive Committee on 15 October 2012. Since then the Care Act has formalised and updated the Council’s responsibilities around safeguarding adults at risk, and a variety of new legislation has added specific responsibilities around the specialist areas of preventing extremism, forced marriage, honour based violence and female genital mutilation. In addition specific guidance has emerged out of several serious case reviews with regards to child sexual exploitation.

2.2 The Council’s Strategic Lead for Safeguarding has reviewed the old policy (appendix 1) and drafted a new policy (appendix 2). This new policy is a complete re-write and takes on board the changes in legislation and guidance.

2.3 The former policy sought to provide policy, guidance and processes in one document. This has not been helpful with the on-going development of best practice requiring changes to procedures and guidance for safeguarding matters.

2.4 The new policy seeks to lay out:

* The overarching commitments of the Council to safeguarding
* The aims of the Council’s safeguarding and early help work
* How the policy relates to legislation and local safeguarding procedures
* The roles of different staff, members, contractors and volunteers in relation to safeguarding
* The categories of abuse for children, young people and adults at risk
* The commitments to maintaining up to date reporting and referral procedures for safeguarding concerns
* How information sharing, data protection and confidentiality will be addressed when using the policy
* The commitment to investigating allegations against staff, volunteers and members
* The commitments to safer recruitment, and undertaking criminal record checks
* The commitment to staff training on safeguarding
* The commitment to safeguarding within contracting and grant giving.

2.5 If adopted the new policy will require the Strategic Lead for Safeguarding to maintain procedures and guidance to implement the policy. These procedures and guidance will not require committee approval as they will be operational. This will allow for procedures and guidance to be updated as required by changes in legislation, guidance, or Hertfordshire-based practices.

3. **Options/Reasons for Recommendation**

3.1 To adopt a Safeguarding Children Young People and Adults at Risk Policy that reflects current legislation, Hertfordshire-based procedures, and best practice.

4. **Policy/Budget Reference and Implications**

4.1 The recommendations in this report are not within the Council’s agreed policy but is within the Council’s agreed budgets.

4.2 The purpose of this policy is to update the existing Safeguarding Children, Young People and Vulnerable Adults Policy to reflect current legislation and required practice.

4.3 The proposed policy will impact on the following strategic objective:

 1.2.1 Ensure the safety of people in the district

4.4 The proposed policy will increase the Council’s ability to make more children and adults at risk safer in the District.

5. **Financial, Legal, Equal Opportunities, Staffing, Environmental, Community Safety, Customer Services Centre, Communications & Website Implications**

5.1 None specific.

6. **Risk Management and Health & Safety Implications**

6.1 The Council has agreed its risk management strategy which can be found on the website at http://www.threerivers.gov.uk. In addition, the risks of the proposals in the report have also been assessed against the Council’s duties under Health and Safety legislation relating to employees, visitors and persons affected by our operations. The risk management implications of this report are detailed below.

6.2 The subject of this report is covered by the Community Partnerships service plan***.*** Any risks resulting from this report will be included in the risk register and, if necessary, managed within this plan***.***

6.3 There are no risks to the Council in agreeing the recommendation***.***

6.4 The following table gives the risks that would exist if the recommendation is rejected, together with a scored assessment of their impact and likelihood:

|  |  |  |
| --- | --- | --- |
| Description of Risk | Impact | Likelihood |
| 1 | The Council’s policy for safeguarding children, young people and adults at risk is out of date and it is highlighted in public as failing to safeguard adequately.  | III | C |

6.5 The risk detailed above is not managed within a service plan.

6.6 The above risk is plotted on the matrix below depending on the scored assessments of impact and likelihood, detailed definitions of which are included in the risk management strategy. The Council has determined its aversion to risk and is prepared to tolerate risks where the combination of impact and likelihood are plotted in the shaded area of the matrix. The remaining risks require a treatment plan.

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Likelihood** | A |  |  |  |  |  | Impact | Likelihood |
| B |  |  |  |  |  | V = Catastrophic | A = >98% |
| C |  |  | 1 |  |  | IV = Critical | B = 75% - 97% |
| D |  |  |  |  |  | III = Significant | C = 50% - 74% |
| E |  |  |  |  |  | II = Marginal | D = 25% - 49% |
| F |  |  |  |  |  | I = Negligible | E = 3% - 24% |
|  | I | II | III | IV | V |  | F = <2% |
| **Impact** |  |  |

6.7 In the officers’ opinion, the new risk above, were it to come about, would seriously prejudice the achievement of the Strategic Plan and is therefore a strategic risk. Progress against the treatment plans for strategic risks is reported to the Policy and Resources Committee quarterly. The effectiveness of all treatment plans are reviewed by the Audit Committee annually.

|  |  |
| --- | --- |
| Description of Risk | Service Plan |
| 1 | The Council’s policy for safeguarding children, young people and adults at risk is out of date and it is highlighted in public as failing to safeguard adequately.  | Community Partnerships |

7. **Recommendation**

7.1 That Policy & Resources Committee adopts the new Safeguarding Children, Young People and Adults at Risk Policy.

 Report prepared by: Andy Stovold, Head of Community Partnerships (Strategic Lead for Safeguarding)

 **Data Quality**

Data sources:

 Hertfordshire Safeguarding Children Board Procedures

 Hertfordshire Safeguarding Adults Board Procedures.

Data checked by: Designated Safeguarding Leads Group

 Data rating:

|  |  |  |
| --- | --- | --- |
| 1 | Poor |  |
| 2 | Sufficient | **✓** |
| 3 | High |  |

**APPENDICES / ATTACHMENTS**

Appendix 1 – Current Safeguarding Children, Young People and Vulnerable Adults Policy

Appendix 2 – Proposed Safeguarding Children, Young People and Adults at Risk Policy

**Appendix 1**

**Three Rivers District Council Safeguarding Children Young People and Vulnerable Adults Policy (Existing)**

**Policy Statement**

Three Rivers District Council takes seriously the issue of safeguarding children, young people and vulnerable adults. Within the course of providing our services, or contacting local residents, we have the opportunity to make positive impacts in improving children’s lives and protecting them, and vulnerable adults from injury and abuse. The Victoria Climbié case highlighted the necessity for all agencies to be vigilant for child abuse, to recognise their duty of care, and to ensure that any concerns are acted upon, recorded and followed through.

**The Council’s Commitments**

We will seek to tackle the following responsibilities:-

* Our role as a ‘duty to co-operate partner’ under the Children Act.
* We can influence other organisations to improve children’s and vulnerable adults’ lives.
* We will avoid employing people or recruiting volunteers who are a risk to children or vulnerable adults in roles where they would have unsupervised access to children and/or vulnerable adults. .
* We provide some services which could aggravate or resolve child or vulnerable adult safety issues e.g. ASB investigations.
* We have opportunities to identify potential risks to children and vulnerable adults, and to directly influence children’s and vulnerable adults’ lives through the services the Council provides.
* High profile cases (including that of Victoria Climbié) have implicated District Councils. We need to ensure that we learn from these lessons.
* We will respond to accusations of inappropriate behaviour towards children or vulnerable adults by our officers, volunteers or members in accordance with local inter-agency procedures. .
* We will reduce the risk of, and take action against, officers, volunteers or members misusing Council facilities for accessing child pornography.
* We will ensure that our concerns and warnings to other agencies do not go unheeded.

**Whom are we safeguarding and what are we safeguarding against?**

Who

* Anyone under the age of 18
* Young adults over the age of 18 who cannot protect themselves against harm or exploitation
* Vulnerable adults – any person of 18 or over who is or may be in need of community care services by reason of mental or other disability, age or illness and who is, or may be, unable to take care of him/herself against significant harm or serious exploitation.

Against What

* Physical Abuse
* Sexual Abuse (by adults or other children)
* Neglect
* Bullying / psychological / emotional abuse
* Financial abuse
* Institutional abuse
* Discrimination
* Risk of injury

**How will we go about it?**

* Have clear Child and Vulnerable Adults Protection policies and procedures for employees, volunteers and Members.
* Ensure that other Council policies reflect processes and sanctions related to child and vulnerable adult abuse.
* Have (and promote to staff, volunteers and Members) clear communication channels in case of suspicions about child or vulnerable adult abuse, or other risks.
* Appreciate and advise officers, volunteers and Members that we can be held to account for Child and Vulnerable Adult Safety issues.
* Appreciate and advise that we will have a role in preparation of Serious Case Reports if we have been involved with the child or vulnerable adult concerned.
* Appreciate that we may be involved in Joint Area Reviews (J.A.R.s) of Children’s’ services.
* Engage with the issue, and also engage with local/County arrangements (e.g. Local Safeguarding Children Board, Children’s Centres, Adult Care Services).
* Reflect Child and Vulnerable Adult Protection issues in our Risk Management approaches.
* Have a formal process for notifying and recording warnings to other agencies about potential child or vulnerable abuse.

**How might TRDC become involved in children’s or vulnerable adults’ issues?**

* Providing housing and homelessness advice
* Housing adaptation through Disabled Facilities Grants
* Running services that assist or intervene in family matters (e.g. Benefits, Environmental Health, Housing allocations)
* Grounds maintenance staff in areas where children play
* Letting or operating public venues where children or vulnerable adults will visit (e.g. leisure venues and museums)
* Providing specific children’s services or facilities (e.g. playschemes, crèches, play parks)
* Running Council services that children or vulnerable adults may need to use (either on their own behalf or on behalf of parents, guardians or siblings – NB children as carers)
* Officers or Members visiting homes under any circumstances (e.g. planning enforcement, environmental health, waste collection, canvassing, responding to complaints, conducting surveys or inspections)
* Inspecting, licensing or auditing other agencies who may come into contact with children or vulnerable adults (e.g. Environmental Health, Building Control, Contract Managers, Licensing)
* Monitoring Officer roles, Disciplinary or Grievance roles, legal reviews
* Council IT systems and child pornography risks
* Misuse of film or photography of children

**What is the legal and national guidance framework?**

* Chief Inspectors Reports on arrangements to Safeguard Children (2002 and 2005)
* Victoria Climbié Inquiry Report
* Every Child Matters
* 2004 Children Act
* National Service Framework for Children, Young People and Maternity Services
* UN convention of the Rights of the Child
* Working Together To Safeguard Children <http://www.workingtogetheronline.co.uk/index.html>
* Safeguarding Vulnerable Groups Act 2006
* Mental Capacity Act 2005
* Mental Health Act 1983 as amended in 2007.

**Steps for officers, volunteers and Members to follow to avoid putting themselves or children or vulnerable adults at risk**

**We must**

* Ensure that all officers and volunteers who have unsupervised / regular contact with children, young people or vulnerable adults in any capacity are CRB (Criminal Records Bureau) checked. See the Recruitment Policy for further guidance.
* Either avoid working or being alone with a child, young person or vulnerable adult in a private or unobserved situation or if this is unavoidable ensure that the line manager is informed.
* Avoid unnecessary physical contact with a child, young person or vulnerable adult.
* Protect information on, and images of, children being misused.

**Advice on avoiding problems**

* Do not use verbal or physical chastisement that could be classified as abuse, (including shaking, hitting, shouting, swearing, or humiliating behaviour).
* Do not enter any premises at the invitation, or with the acquiescence, of a child or young person unless an adult householder is also present
* Maintain a safe and appropriate physical distance.
* Do not allow a child, young person or vulnerable adult to make close physical contact with you.
* Ensure that if any form of a manual/physical support is required it should only be provided when absolutely necessary in relation to the activity.
* Do not take a child in a vehicle under any circumstances unless specifically authorised to do so.
* Do not film or photograph children or young people, or allow others to do so, or use the images without expressed and recorded permission from their parent or guardian (sample form at Appendix 1).
* Do not use general photographs of children unless they are appropriately dressed. (It is also preferable that they are in groups and engaged in an activity).
* Do not do things of a personal nature that the child, young person or vulnerable adult is able to do themselves.
* Ensure that services for children are provided in areas where children cannot be taken away, where adults are in sight of other adults, (and you should encourage children to report concerns).
* Do not use physical restraint except as a last resort to prevent the child, young person or vulnerable adult causing damage or injury to themselves or another person.
* Do not publish information about children that could lead to them being identified or traced.

**Action to be taken by employees and volunteers if they feel that a child, young person or vulnerable adult is at risk**

* In most working circumstances within the Council it is unlikely that employees or volunteers will be in a position to assess whether or not a child or vulnerable adult has been abused. However in certain areas, there is closer working with children or vulnerable adults and it is possible that abuse may be suspected. In general terms employees should be alert to any suspicion of abuse. Any concerns held by staff, volunteers or members should be raised immediately with the relevant Section Head.
* All staff, volunteers and members who may have contact with children or vulnerable adults should be given copies of the Child & Vulnerable Adult Protection Reporting Concerns Procedure in Appendix 3.
* Any concerns regarding a child, young person or vulnerable adult should be documented by the relevant staff, volunteer or member using the form in Appendix 2. This completed form should be handed to the relevant Section Head.
* The section head should provide reassurance to the reporting member of staff, volunteer or Council member that the situation will be dealt with sensitively. The Section Head will decide in conjunction with their Service Head, or the Community Partnerships Manager, on the appropriate course of action following the procedure in Appendix 3.
* Support will be provided to any staff or volunteer reporting concerns, and their safety considered when deciding whether to share information with parents or carers.
* Copies of all documents must be kept securely regarding any concern and given to Community Partnerships Unit for central confidential storage. These will be deleted after 6 years.
* If an employee, volunteer or Member suspects another employee, volunteer or Member of inappropriate behaviour towards a child, young person or vulnerable adult, it should be reported immediately to the relevant Section Head (employees and volunteers), or Chief Executive (for members). Such concerns should be put in writing using the form in Appendix 2. The Service Head will decide in conjunction with the appropriate officer or the Community Partnerships Manager, on the appropriate course of action following the procedure in Appendix 3. Action should be taken to remove any member of staff or volunteer against whom an allegation has been made from any unsupervised contact with children, young people or vulnerable adults pending an interview and/or relevant investigation. Further guidance is available in the Disciplinary Policy & Procedure and the Hertfordshire Safeguarding Children Board Procedures <http://hertsscb.proceduresonline.com/chapters/p_manage_alleg.html>
and the Hertfordshire Safeguarding Adults from Abuse Procedures:
<http://www.hertsdirect.org/your-council/hcc/healthcomservices/acspolicies/safeadults/>

**Out of hours services**

All services providing out of hours services must ensure that clear service procedures are in place to manage any child or vulnerable adult protection concerns so that they can be responded to immediately and out of hours referrals made to Children’s Services, Adult Care Services or the Police on the same day.

**Providing services for children and vulnerable adults**

Where we provide services that support children, young people, vulnerable adults or families we will comply with our legal requirements and also will co-operate, so far as is reasonable, with other partners to help them to discharge their duties. Where we contract out services, we will ensure that providers of services meet legal requirements and work within the procedures of Hertfordshire Safeguarding Children Board and Hertfordshire Safeguarding Adults Board.

**Risk Assessment**

Wherever an event or service is proposed for children, young people or vulnerable adults, the risks must be assessed in advance, and “safeguarding” issues and relevant matters addressed. Consent may also be required from parents (sample form at Appendix 4) for children to take part.

In particular the ongoing training needs of staff and volunteers in relation to child or vulnerable adult protection need to be considered as part of any risk assessment. This should include the refresh training needs of staff and volunteers who have already been trained.

We need to ensure correct adult/children ratios (see NSPC guidance) at events, and that suitable safety, security and sanitary facilities etc are available.

All Council initiatives and facilities shall be designed and risk assessed to ensure low risk of injury to children or vulnerable adults.

When hiring out any Council premises to other organisations working with children, young people or vulnerable adults the relevant officers need to ensure that evidence is obtained on the child and vulnerable adult protection procedures of the hiring organisation, including requirements for CRB checks of their staff and volunteers.

**Disclosure and Barring (Criminal Records) Checks**

All staff, volunteers, members and contractors who have unsupervised/regular contact with children, young people or vulnerable adults will be required to have a Disclosure and Barring (Criminal Records) check. This will be repeated on a three-yearly basis. When considering the feedback from the Disclosure and Barring Service only relevant convictions, cautions, or spent convictions will be considered. Consideration should be given to those staff, volunteers or members who may have spent convictions for consensual offences, that would not be offences in the present day following equality-based changes to offences.

Human Resources holds a record of all staff roles requiring a Disclosure and Barring (CRB) check. These checks will be repeated every three years. Managers will be advised of timescales for updated checks by Human Resources. Further information is available in the Recruitment Policy.

**Inspecting and Auditing other agencies who will deal with children, young people**

**and vulnerable adults**

Where the Council audits, inspects or contract manages others, we should, where appropriate, ensure that their safeguarding children and vulnerable adult policies are robust, as their future activities may also reflect on the Council.

TRDC’s Safeguarding Children & Vulnerable Adults Policy may be used as a basis unless their work involves, or could involve close physical contact (e.g. sports training and management, playscheme provision). All such providers should be made aware of the requirements of Hertfordshire Safeguarding Children Board and Hertfordshire Safeguarding Adults Board.

**Support for Employees, Volunteers and Members**

All employees and volunteers will receive familiarisation training with the Safeguarding Children Young People and Vulnerable Adults Policy as part of induction and as part of the corporate customer care training. Employees working closely with children, young people or vulnerable adults will receive more detailed training as part of their service induction process. Human Resources will maintain a log of staff requiring additional training, and this will be refreshed on a three yearly cycle to ensure it reflects changes to current practice.

Employees and volunteers who have occasion to deal with incidents of abuse will be offered access to counselling services. Consideration of staff and volunteer safety will be paramount when considering whether or not to inform parent/s or carer/s prior to a referral to Children Schools and Families, Adult Care Services or the Police.

Member induction training will include child and vulnerable adult safety issues.

**Allegations against Employees, Volunteers or Members**

If there is an allegation that an employee, volunteer or Member has not followed this policy it will be dealt with in accordance with the disciplinary procedure, or code of conduct procedure for Members.

If there is an allegation or suspicion that an employee, volunteer or Member has

* behaved in a way that has, or may have harmed a child or vulnerable adult,
* possibly committed a criminal offence against / related to a child or vulnerable adult,
* behaved toward a child or vulnerable adult in a way which indicates s/he is unsuitable to work with children/vulnerable adults,

then the procedure for reporting concerns or an allegation against a member of staff will be followed as laid out in appendix 3.

The allegation must be reported immediately to the relevant Section Head or Head of Service. If they are not available then the Community Partnerships Manager must be contacted.

There may be three types of investigation carried out:

* Criminal Investigation
* Child Protection Investigation / Adult Abuse Investigation
* Disciplinary Investigation (Code of Conduct procedure for Members).

The Designated Senior Manager for Safeguarding must inform the Local Area Designated Officer (LADO) immediately and always within one working day of when an allegation is made about abuse against a child or young person. Where the allegation concerns abuse against an adult then the Investigation Team at adult care services must be contacted immediately.

**Outcomes**

* Safer, assured working for Council officers, volunteers and Members
* Clarity of approach and procedures
* Improved and sensitive service delivery
* Improved outcomes for children and vulnerable adults at risk
* A further line of defence against child and vulnerable adult abuse being perpetuated

**Who is responsible for delivery?**

* All officers and volunteers
* All Members
* A particular role for Section Heads (induction and providing a communication channel)
* A particular role for Section Heads and Service Managers (reporting concerns and allegations against staff)
* A particular role for the Chief Executive (allegations against Members).

**Performance Monitoring**

* The effectiveness of this policy will be monitored through the formal Joint Area review process, Hertfordshire Safeguarding Children Board evaluation and audit, and Hertforshire Safeguarding Adult Board evaluation and audit. .

**Policy Consultation**

This policy has been reviewed with the help of staff, volunteers, Members, Children’s Services at Hertfordshire County Council, Adult Care Services, Hertfordshire Safeguarding Children’s Board and Hertfordshire Safeguarding Adults Board.

**Policy Review**

This policy will be reviewed in 2 years by the Community Partnerships Manager.

**Related Policies and Strategies**

Disciplinary Policy & Procedure

Recruitment Procedure Starting New Employee Procedure

Staff handbook Whistle blowing policy

Child & Vulnerable Adult Protection Reporting Concerns Procedure

County Guidance, Policies and Strategies

Integrated Practice – Working Together to Make a Positive Difference to the Lives of Children and Young People

<http://www.hertsdirect.org/services/advben/resprof/integrated/>

Hertfordshire Safeguarding Children Board

<http://www.hertssafeguarding.org.uk/adults/index.htm>

Hertfordshire Child Protection Procedures

<http://hertsscb.proceduresonline.com/index.htm>

Safeguarding adults from abuse - a Hertfordshire inter-agency procedure for the protection of vulnerable adults

<http://www.hertsdirect.org/your-council/hcc/healthcomservices/acspolicies/safeadults/>

Version 2.4, Updated 15 October 2012

**Appendix 2**

**(Proposed)**

**Safeguarding Children Young People and Adults At Risk Policy**

**Draft**

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**Version Control**

**Version 3.2**

**Re-written - June 2016 – with comments from consulted officers and Management Board**

**Review date: May 2018**

**1. Introduction**

* 1. Three Rivers District Council takes the safeguarding of children, young people and adults at risk seriously. Within the course of providing our services, or having contact with local residents, we have the opportunity to make positive impacts on the lives of children and adults at risk, by protecting them from injury and abuse and helping them to access early help.
	2. This revised policy outlines:
* The overarching commitments of the Council to safeguarding
* The aims of the Council’s safeguarding and early help work
* How the policy relates to legislation and local safeguarding procedures
* The roles of different staff, members, contractors and volunteers in relation to safeguarding
* The categories of abuse for children, young people and adults at risk
* The commitments to maintaining up to date reporting and referral procedures for safeguarding concerns
* How information sharing, data protection and confidentiality will be addressed when using the policy
* The commitment to investigating allegations against staff, volunteers and members
* The commitments to safer recruitment, and undertaking criminal record checks
* The commitment to staff training on safeguarding
* The commitment to safeguarding within contracting and grant giving.
	1. The policy applies to all staff, volunteers, agency staff, work placements, contractors and members of the Council.
	2. The definition of a child for the purpose of the policy is anyone under the age of 18 years, including an unborn child.
	3. The definition of an adult at risk for the purpose of the policy is:

A person 18 years or over who

* Has needs for care and support (whether or not any of those needs are being met by an authority); and
* Is experiencing, or is at risk of, abuse or neglect; and
* As a result of those needs is unable to protect him/herself against the abuse or neglect or the risk of it.

**2. The Council’s Commitments To Safeguarding**

2.1 The Council:

* is committed to protecting and safeguarding children and adults at risk against potential and actual harm.
* fully accepts and promotes the principle enshrined in the Children Act 1989 that the welfare of the child is paramount.
* is committed to supporting adults and providing a service to adults at risk who are experiencing abuse, neglect and exploitation.
* will take all allegations of abuse seriously, valuing the individual affected, listening to them and respecting them.
* is committed to working with statutory and voluntary organisations to promote the safety and welfare of children and adults at risk, to protect them from abuse, and prevent abuse.
* is committed to empowering and supporting adults at risk to make their own choices.
* will act promptly whenever a concern is raised about a child or an adult at risk, or the behaviour of someone towards them, sharing information about concerns with agencies who need to know, involving children, parents and adults at risk as required.
* will co-operate with statutory partners in the investigation of any cases of suspected child abuse, or abuse of adults at risk.
* will maintain procedures and training for the identification of abuse, and appropriate investigation of such abuse.
* will recruit staff and volunteers safely ensuring all necessary checks are made.
* will safeguard children and adults at risk we come into contact with by following the procedures developed for the purposes of enacting this policy.

**3. The aims of the Council’s safeguarding and early help work**

3.1 This policy aims to:

* Promote the welfare of children and young people accessing the Council’s services and living in the District;
* Ensure the needs and interests of adults at risk are always respected and upheld;
* Assure children, young people, adults at risk and their families and carers, that the Council takes their welfare seriously and assure them that we deliver our services in a safe and secure environment;
* Help adults at risk maintain choice and control, safety, health, quality of life, dignity and respect;
* Ensure that all staff, volunteers, members and contractors understand the reporting procedures for any concerns that a child, young person or adult at risk may be at risk of abuse or neglect;
* Ensure that the Council maintains safer recruitment practices;
* Uphold the human rights of children and adults at risk.

**4. How the policy relates to legislation and local safeguarding procedures**

4.1 This policy and its associated procedures will ensure that the Council is compliant with the responsibilities and expectations laid out in the following legislation, guidance and local procedures:

* The Children Act 1989 – setting out that the welfare of the child is paramount and the priority of safeguarding and promoting the welfare of the child;
* The Children Act 2004 – setting out the duty to work closely with those agencies providing services to children and young people;
* ‘Working Together to Safeguard Children 2015’ – which sets out how organisations should work together to safeguard and promote the welfare of the child;
* The Care Act 2014 – which requires local authorities to make enquiries where we reasonably suspect an adult with care and support needs is at risk of abuse or neglect;
* Care and Support Statutory Guidance – which outlines the expected inter-agency procedures, responsibilities and definitions of abuse;
* Better Care, Higher Standards charter – which lays out the core quality standards for community care services to adults;
* Making Safeguarding Personal – which sets out the principles with which we will engage with adults at risk to ensure that adult safeguarding is person-led and focused on the outcomes that the adult wants to achieve;
* The United Nations Convention on the Rights of the Child;
* The Human Rights Act;
* Mental Capacity Act 2005 – which provides a framework to empower and protect people who may lack capacity to make decision for themselves;
* Deprivation of Liberty Safeguards 2008 - which provides protection to people who need to be cared for in a restrictive way;
* Female Genital Mutilation Act 2003 – which extended legislation criminalising FGM by making it an offence for UK nationals or residents to take a girl abroad or help others to do so to carry out FGM;
* Forced Marriage (Civil Protection) Act 2007 which requires the Council’s Strategic Lead on Safeguarding to lead on forced marriage, to share information on the risks of forced marriage and so-called “honour”-based violence;
* The Domestic Violence, Crime and Victims Act 2004;
* The National Prevent Strategy – which requires the Council to share concerns about the risks of children and adults being radicalised;
* Multi-Agency Public Protection Arrangements (MAPPA);
* Safeguarding Adults At Risk – The multi-agency policy, procedure and practice for working with adults at risk of abuse or neglect in Hertfordshire (Hertfordshire Safeguarding Adults Board);
* Hertfordshire Safeguarding Children Board Procedures Manual.

**5. The roles of different staff, members, contractors and volunteers in relation to safeguarding**

5.1 All staff, members, contractors and volunteers are to:

* Understand and apply the policy and its related procedures to their activities within the Council;
* Undertake appropriate training to support them in their safeguarding role;
* Act appropriately at all times and to challenge inappropriate behaviour in others and report it;
* Be able to recognise abuse and neglect; and
* Know how to report concerns to a designated safeguarding lead within the Council in a timely and appropriate manner.

5.2 Managers in the Council are to:

* Encourage all staff, volunteers and contractors to understand this policy and related procedures;
* Offer opportunities to undertake appropriate safeguarding training and refresher training;
* Ensure that the policy and its procedures are adhered to and that staff, volunteers and contractors know to whom they should report any concerns about a child or adult at risk;
* Ensure that staff, volunteers and contractors are aware of the Council’s Whistle-Blowing Policy;
* Act on any breach of the policy and its procedures as appropriate;
* To refer any concern about the conduct of a member of staff, volunteer or contractor to a designated safeguarding lead and Human Resources for appropriate investigation and referral.

5.3 Designated Safeguarding Leads are to:

* Ensure that any concern about a child or adult at risk is acted on, clearly recorded, referred on to another agency where necessary, and followed up to ensure that issues are addressed;
* Identify options for early help for concerns about children or adults at risk that do not meet the thresholds of safeguarding referrals, to record and communicate these options and make any consented referrals;
* To work with Human Resources to respond to any reports of concern about the conduct of a member of staff, volunteer, member or contractor following the required reporting procedures;
* To undertake training and refresher training as required;
* Maintain their understanding of Hertfordshire Safeguarding Children Board and Hertfordshire Safeguarding Adults Board procedures.

5.4 Human Resources are to:

* Maintain and implement policy and procedures for the checks of staff recruited to the Council through Disclosure Scotland and the Disclosure and Barring Service, keeping records of all such checks and outcomes. This will include the maintenance of a register of posts requiring different levels of Disclosure and Barring checks according to responsibility above the level of Disclosure Scotland;
* Maintain safer recruitment practices for designated posts that work with children and adults at risk;
* To maintain a register of staff training requirements for safeguarding, and monitor and audit uptake of that training;
* To provide the training programme for safeguarding across the organisation.

5.5 The Strategic Lead For Safeguarding will be the Head of Community Partnerships who will:

* Take strategic responsibility for maintaining and updating this policy and associated procedures;
* Take strategic responsibility for ensuring that the policy and procedures are implemented and audited;
* Take strategic responsibility for engaging with the Hertfordshire Safeguarding Children Board, Hertfordshire Safeguarding Adults Board and statutory partner agencies across Hertfordshire, and enacting their joint procedures for the safeguarding of children and adults at risk, and for helping families and adults at risk access early help;
* To review with the Human Resources section, the posts identified for different levels of disclosure and barring checks, the posts identified for different levels of safeguarding training, and the training programme for safeguarding, early help and specialist topics;
* Act as the strategic lead for the specialist issues of Child Sexual Exploitation, Female Genital Mutilation, Forced Marriage, so called “Honour”-Based Violence and Radicalisation, ensuring appropriate procedures and training are put in place to address these issues and that these procedures are audited.

5.6 Regulatory Services will:

* Ensure that all taxi licence applicants are Disclosure and Baring Service checked and Police intelligence checked to ensure they are ‘fit and proper’ and that the Licensing Policy is maintained in line with best practice for safeguarding children, and adults at risk.
* That all licensed premises and licenced taxi drivers and operators receive information on Child Sexual Exploitation.

**6. The categories of abuse for children, young people and adults at risk**

* 1. Child Abuse and Neglect

Abuse and neglect are forms of maltreatment of a child. Somebody may abuse or neglect a child by inflicting harm, or by failing to act to prevent harm. Children may be abused in a family or in an institutional or community setting, by those know to them or, more rarely, by a stranger. They may be abused by an adult or adults, or another child or children.

An abused child is any boy or girl, under 18 years of age, who has suffered from, or is believed likely to be at significant risk of, physical injury, neglect, emotional abuse or sexual abuse.

The Council is committed to maintaining staff, volunteer, member and contractor awareness of these four types of child abuse:

* + 1. **Physical abuse** – may involve hitting, shaking throwing, poisoning, burning or scalding, drowning, suffocating, or otherwise causing physical harm to a child. Physical harm may also be caused when a parent or carer fabricates the symptoms or deliberately induces illness in a child.
		2. **Emotional abuse** – a form of significant harm which involves the persistent emotional maltreatment of a child such as to cause severe and persistent adverse effects on the child’s emotional development. It may involve conveying to a child that they are worthless or unloved, inadequate, or valued only insofar as they meet the needs of another person. It may include not giving the child opportunities to express their views, deliberately silencing them or ‘making fun’ of what they say or how they communicate. It may feature age or developmentally inappropriate expectations being imposed on a child.

		This may include interactions that are beyond the child’s development capability, as well as overprotection and limitation of exploration and learning, or preventing the child participating in normal social interaction. It may involve seeing or hearing the ill-treatment of another. It may involve serious bullying (including cyber bullying) causing children frequently to feel frightened or in danger, or the exploitation or corruption of children.

		Some level of emotional abuse is involved in all types of maltreatment of a child, though it may occur alone.
		3. **Sexual abuse** – a form of significant harm which involves forcing or enticing a child or young person to take part in sexual activities, not necessarily involving a high level of violence, whether or not the child is aware of what is happening. The activities may involve physical contact, including assault by penetration (for example rape or oral sex) or non-penetrative acts such as masturbation, kissing, rubbing and touching outside of clothing. They may also include non-contact activities such as involving children in looking at, or in the production of, sexual images, watching sexual activities, encouraging children to behave in sexually inappropriate ways, or grooming a child in preparation for abuse (including via the internet). Sexual abuse is not solely perpetrated by adult males. Women can also commit acts of sexual abuse, as can other children.
		4. **Neglect** – the persistent failure to meet a child’s basic physical and or psychological needs, likely to result in the serious impairment of the child’s health or development. Neglect may occur during pregnancy as a result of maternal substance abuse. Once a child is born neglect may involve a parent or carer failing to:
* Provide adequate food, clothing and shelter (including exclusion from home or abandonment)
* Protect a child from physical and emotional harm or danger
* Ensure adequate supervision (including the use of inadequate care-giver)
* Ensure access to appropriate medical care or treatment.
* It may also include neglect of, or unresponsiveness to, a child’s basic emotional needs.

6.2 The Council is also committed to maintaining its staff volunteer, member and contractor awareness of bullying which includes:

* + - people being called names;
		- making things up to get another person into trouble;
		- hitting, punching, biting, pushing and shoving;
		- taking things away from someone;
		- damaging another person’s belongings;
		- stealing someone’s money;
		- taking someone’s friends away from them;
		- cyberbullying;
		- spreading rumours;
		- threats and intimidation;
		- making silent or abusive phone calls;
		- a bully frightening the victim so that they do not want to go to school or take part in other activities. The victim may pretend to be ill to avoid the bully.

* 1. Adult abuse
	The Council is committed to maintaining staff, volunteer, member and contractor awareness of the main forms of abuse set out in the Statutory Guidance of The Care Act 2014 which is not an exhaustive list but an illustration as to the sort of behaviour that could give rise to a safeguarding concern for an adult at risk:

		1. **Physical abuse**  - including assault, hitting, slapping, pushing, kicking, misuse of medication, restraint or inappropriate sanctions.
		2. **Domestic violence** – including psychological, physical, sexual, financial, emotional abuse; so called “honour”- based violence.
		3. **Sexual abuse** – including rape and sexual assault or sexual acts to which the adult at risk has not consented, or could not consent, or was pressured into consenting, indecent exposure, sexual harassment, inappropriate looking or touching, sexual teasing or innuendo, sexual photography, subjection to pornography, witnessing sexual acts or indecent exposure.
		4. **Psychological/emotional abuse** – including emotional abuse, threats of harm or abandonment, deprivation of contact, humiliation, blaming, controlling, intimidation, coercion, harassment, verbal abuse, cyber abuse, isolation or unreasonable and unjustified withdrawal of services or supportive networks.
		5. **Financial or material abuse** – including theft, fraud, internet scamming, coercion in relation to an adult’s financial affairs or arrangements, including in connection with wills, property, inheritance or financial transactions, or the misuse of misappropriation of property, possessions or benefits.
		6. **Modern slavery** - encompasses slavery, human trafficking, forced labour and domestic servitude.
		7. **Discriminatory abuse**  - including forms of harassment, slurs or similar treatment because of race, gender and gender identity, age, disability, sexual orientation or religion.
		8. **Organisational abuse** – including neglect and poor care practice within an institution or specific care setting such as a hospital or care home, or in relation to care provided in one’s own home.
		9. **Neglect and acts of omission** – including ignoring medical, emotional or physical care needs, failure to provide access to appropriate health, care and support or education services, the withholding of the necessities of life, such as medication, adequate nutrition and heating.
		10. **Self-neglect –** a wide range of behaviour neglecting to care for one’s personal hygiene, health or surroundings and includes behaviour such as hoarding.
	2. **Child Sexual Exploitation (CSE)**

The sexual exploitation of children and young people (CSE) under-18 is defined as that which:

‘involves exploitative situations, contexts and relationships where young people (or a third person or persons) receive ‘something’ (e.g. food, accommodation, drugs, alcohol, cigarettes, affection, gifts, money) as a result of them performing, and/or another or others performing on them, sexual activities.

Child sexual exploitation can occur through the use of technology without the child’s immediate recognition; for example being persuaded to post sexual images on the Internet/mobile phones without immediate payment or gain.

In all cases, those exploiting the child/young person have power over them by virtue of their age, gender, intellect, physical strength and/or economic or other resources. Violence, coercion and intimidation are common, involvement in exploitative relationships being characterised in the main by the child or young person’s limited availability of choice resulting from their social/economic and/or emotional vulnerability’

* + 1. The Council is committed to maintaining staff, volunteer, member and contractor awareness of CSE. The Strategic Lead for Safeguarding will maintain specific procedures for referrals regarding CSE and commission specialists training for staff on this matter. The Strategic Lead will also provide guidance for all staff on this matter.
		2. The Licensing Team will ensure that guidance is provided to all licensed premises, licensed taxi drivers and licensed taxi operators regarding Child Sexual Exploitation.
	1. **Female Genital Mutilation (FGM)**

Female Genital Mutilation (FGM) is defined by the World Health Organisation as ‘all procedures (not operations) which involve partial or total removal of the external female genitalia or injury to the female genital organs whether for cultural or other non-therapeutic reasons’. The Council recognises that FGM is illegal and that it is an offence for a UK resident or national to take a girl abroad or to help others to do so to carry out FGM.

* + 1. The Council is committed to maintaining staff, volunteer, member and contractor awareness of FGM. The Strategic Lead for Safeguarding will maintain specific procedures for referrals regarding FGM and commission specialist training for staff on this matter. The Strategic Lead will also provide guidance for all staff on the matter.
	1. **“Honour”-based violence and forced marriage**

In a forced marriage, one or both spouses do not consent to the arrangement of the marriage and some elements of duress are involved. Duress can include both physical and psychological pressure. Forced marriage is distinct from an arranged marriage – where both parties can chose whether or not to accept the arrangement usual made by the families of both spouses.

So-called “Honour”-Based Violence is a crime or incident that may have been committed to protect or defend the “honour” of a family or community. It is often linked to family members or acquaintances who mistakenly believe someone has brought shame to their family or community by doing something that is not in keeping with the traditional beliefs of their culture. For example, “honour”-based violence might be committed against people who:

* become involved with a boyfriend or girlfriend from a different culture or religion
* want to get out of an arranged marriage
* want to get out of a forced marriage
* wear clothes or take part in activities that might not be considered traditional within a particular culture.
	+ 1. The Council is committed to maintaining staff, volunteer, member and contractor awareness of “honour”-based violence and forced marriage. The Council recognises its responsibilities to protect children and adults from such violence and forced marriage. The Strategic Lead for Safeguarding will be responsible for producing specific procedures for referring concerns of this specialist type and commissioning training for staff on the subject. The Strategic Lead for Safeguarding will provide and maintain guidance for all staff on the specific risks of this violence and forced marriage and promote awareness of best practice in response to any concerns.
	1. **Radicalisation**

The Counter-Terrorism and Security Act 2015 sets out the duty on local authorities and partners of local panels to provide support for people vulnerable to being drawn into terrorism. Hertfordshire’s Prevent Strategy aims to reduce the threat to the UK from terrorism by stopping people becoming terrorists or supporting terrorism. The Channel Panel is part of the local Prevent Strategy and is a multi-agency approach to identify and provide support to individuals who are at risk of being drawn into terrorism. Radicalisation of children and adults at risk can be compared to grooming for sexual exploitation. The Home Office states in the Prevent Strategy that ‘Safeguarding vulnerable people from radicalisation is no different from safeguarding them from other forms of harm’.

* + 1. The Council is committed to maintain staff, volunteer, member and contractor awareness of the risks of radicalisation and the processes for reporting concerns about potential radicalisation of children, young people and adults at risk. The Council recognises its duties under the Prevent Strategy and will co-operate with Hertfordshire-based arrangements to meet these duties including participation in the Channel Panel. The Strategic Lead for Safeguarding will provide and maintain procedures and guidance for staff on the referral process for concerns about radicalisation and will ensure that appropriate training is delivered to staff in conjunction with Human Resources.

**7. Our commitments to maintaining up to date reporting and referral procedures for safeguarding concerns**

7.1 The Council recognises that it has a duty to act on reports or suspicions of abuse and believes that the safety of a child or adult at risk should override any doubts, hesitations, or other considerations (such as the potential to have a negative impact on professional relationship with a child, family or adult at risk).

7.2 The Council will maintain clear reporting procedures for all staff, volunteers, members and contractors to follow when they receive information that highlights a concern about a child or adult at risk.

7.3 The Strategic Lead for Safeguarding will ensure that these procedures are kept up to date and that Designated Safeguarding Leads are updated and briefed on any changes to reporting and referral procedures. He will also ensure that the reporting procedure is publicised to all staff, volunteers members and contractors in conjunction with heads of service.

7.4 All staff, volunteers, members and contractors must follow the reporting procedures, keeping clear written records of their concerns about a child or adult at risk, and pass these concerns to a Designated Safeguarding Lead at the earliest opportunity for assessment and onward referral if necessary.

7.5 Where there is immediate risk to a child, or an adult at risk, or where there is an urgent medical requirement, the member of staff should immediately contact the emergency services on 999.

**8. How information sharing, data protection and confidentiality will be addressed when using the policy**

8.1 Information sharing between organisations is essential to safeguard children and adults at risk. Information about a child or adult at risk must be shared on a need to know basis in line with the Council’s Information Sharing Protocols for safeguarding. The Council recognises that the duty to share personal confidential data can be as important as the duty to respect a service user’s confidentiality. The Council also recognises that the Data Protection Act is not a barrier to sharing information.

8.2 The Strategic Lead for Safeguarding will be responsible for maintaining and updating the information sharing protocols for children, young people and adults at risk. These will be available on the Council’s intranet.

8.3 The Council will share information with other agencies which comply with the requirements of the Hertfordshire Safeguarding Adults Board procedures and the Hertfordshire Safeguarding Children’s Board procedures when it has a concern about a child or adult at risk. Where appropriate it will seek consent to share this information, but there will be circumstances where it needs to share information without the informed consent of the data subject(s). The Council will follow the information sharing protocols in place, and will keep records of its decisions to share information.

8.4 Information about any concerns for a child or adult at risk will be stored securely, in a manner that all Designated Safeguarding Leads can access so that advice is available on all cases from any Designated Safeguarding Lead. All staff, volunteers, members and contractors will be bound by normal confidentiality arrangements in restricting access to this personal information.

**9. Our commitments to investigating allegations against staff, volunteers and members**

9.1 The Council will maintain specific procedures in line with the requirements of Hertfordshire Safeguarding Children Board and Hertfordshire Safeguarding Adults Board for reporting any concerns about the conduct of any staff, volunteer, member or contractor towards a child, young person or adult at risk. The Strategic Lead for Safeguarding will be responsible for maintaining and updating these reporting procedures.

9.2 The procedure will apply to any situation where any staff, volunteer, member or contractor has in any activity connected with their role:

* Behaved in a way that has, or may have harmed a child;
* Possibly committed a criminal offence against/related to a child;
* Behaved toward a child in a way which indicates they are unsuitable to work with children;
* Or it is discovered that an individual known to have been involved previously in child abuse is, or has been, working with children;
* Behaved in a way that has harmed, or may have harmed, an adult at risk;
* Possibly committed a criminal offence against, or related to, an adult at risk;
* Behaved towards any adult at risk in a way that indicates they are unsuitable to work with adults at risk – including having a sexual relationship with an adult at risk if in a position of trust, even if the relationship appears consensual; sending inappropriate text/email messages or images; or the possession of indecent images of adults at risk;
* Or it is discovered that an individual know to have been involved previously in adult abuse is working with adults at risk.

9.3 Before starting any disciplinary investigation into such allegations, the Council will always seek the advice of partner agencies in Hertfordshire Safeguarding Children Board or Hertfordshire Safeguarding Adults Board.

9.4 The Strategic Lead for Safeguarding will also ensure that clear guidance is provided to all staff on appropriate conduct with children, young people and adults at risk.

**10. Our commitments to safer recruitment, and undertaking criminal record checks**

10.1 The Council is committed to recruiting appropriate staff to work safely with children, young people and adults at risk. The Human Resources Team will maintain appropriate policies, procedures and guidance to:

* Undertake Disclosure Scotland checks for all staff and Disclosure and Baring checks, and Enhanced Disclosure and Baring checks for relevant staff and volunteers who have regular contact with children, young people and adults at risk;
* To keep records and update checks of staff in line with recommended practice by Hertfordshire Safeguarding Children Board and Hertfordshire Safeguarding Adults Board;
* To keep and maintain a register of all posts requiring different levels of Disclosure and Baring checks.
* To identify posts that require an enhanced level of safer recruitment due to their role with children, young people and/or adults at risk, and to maintain training and guidance for staff involved in recruitment to such posts;
* To apply the above policy to volunteers, and work placements, and consider safeguarding issues when offering work placements to young people and adults at risk.

**11. Our commitments to staff training on safeguarding**

11.1 The Council is committed to training all staff, volunteers, members and contractors on their responsibilities under this Safeguarding Policy. The Human Resources Team will be responsible for maintaining a register of training requirements for all roles within the Council in relation to safeguarding children and adults. The Human Resources Team will review this register with the Strategic Lead for Safeguarding on a regular basis and will consult with the Strategic Lead for Safeguarding on the content of all commissioned safeguarding training including that on specialist subjects.

11.2 Human Resources will also be responsible for alerting managers to when their staff are required to attend training, and refresher training in line with the requirements of Hertfordshire Safeguarding Children Board and Hertfordshire Safeguarding Adults Board. Managers will ensure that staff access their required level of training including induction training, e-learning courses and formal safeguarding and specialist courses.

**12. Our commitments to safeguarding within contracting and grant-giving**

12.1 When contracting with suppliers or providing grants to external organisations the relevant Council Officer involved in the contracting or grant-giving will:

* Ensure that the agencies are aware of the Council’s commitment to safeguarding children and adults at risk.
* Request to see a copy of the agency’s Safeguarding Policy and ensure it is compliant with the requirements of Hertfordshire Safeguarding Children Board and Hertfordshire Safeguarding Adult Board. Where the agency does not have a safeguarding policy they will be required to adopt the Council’s Safeguarding Policy before receiving funds or commencing work.
* Request to see evidence of the safer recruitment and disclosure and barring processes used by the agency and of the training provided to its staff on safeguarding.
* Provide the agency with copies of the Council’s Safeguarding Contractor Cards.
* Keep a record of the above and stipulate the safeguarding requirements in the contract or grant agreement.