

New - Combined Safeguarding Policy

Overview and Scrutiny Panel	25th October 2016
Report Author	Jessica Bailey, Community Safety Team Leader
Portfolio Holder	Cllr Lin Fairbrass, Community Services portfolio holder
Status	For Recommendation
Classification:	Unrestricted
Key Decision	No
Ward:	N/A

Executive Summary:

Thanet District Council is committed to ensuring the safeguarding of the districts most vulnerable residents.

Safeguarding, in its broadest sense, is defined as *'To protect from harm'*. In recent years, the role of the Local Authority has been extended beyond just specific duties to children and vulnerable adults to now also include responsibilities for safeguarding domestic abuse, exploitation, radicalisation, forced marriage, trafficking and modern slavery.

Thanet District Council has a number of statutory obligations to work with Kent County Council, primarily, as well as other agencies, to ensure safeguarding is embedded within all service areas throughout the council.

The policy is supported by a series of briefings and e-learning and runs in conjunction with the Council's Whistleblowing, Code of Conduct, Data Protection and Information Sharing policies. It aligns also with the Human Resources DBS guidance and Safe Recruitment Procedures

The Policy aims to ensure the council promotes the welfare of all children, young people and vulnerable adults by:

- ✓ Raising awareness of safeguarding responsibilities, amongst officers, Elected Members, volunteers and contractors.
- ✓ Ensuring that everyone within the council understands their roles and responsibilities with regards to safeguarding
- ✓ Considering the rights and viewpoints of all children, young people and vulnerable adults in the council's decision making
- ✓ Establishing and embedding robust processes and procedures as a clear mechanism to report concerns
- ✓ Identifying and responding appropriately to any safeguarding concerns, incidents or allegations raised
- ✓ Establishing and facilitating regular awareness and training, to employees, Elected Members, contractors and volunteers that is appropriate to their role and level of involvement with children, young people and vulnerable adults
- ✓ Maintaining and undertaking recognised vetting procedures appropriate to the roles

- held by staff and volunteers
- ✓ Ensuring that organisations the council contracts with or receives services from have appropriate safeguarding processes and protocols in place to undertake suitable vetting procedures
 - ✓ Taking as many steps as possible to ensure that unsuitable people, are prevented from working with children, young people and vulnerable adults
 - ✓ Reviewing this policy and any associated procedures on a regular basis

Recommendation(s):

That Overview and Scrutiny Panel review and comment on the draft safeguarding policy

CORPORATE IMPLICATIONS

<p>Financial and Value for Money</p>	<p>Financing of a designated Safeguarding Officer have been found from cost savings with the departure of another post in the department. Savings have still been offered up. This was reviewed by finance and approved.</p> <p>There will be further, minimal costs to delivering Safeguarding training and implementing this policy, which are accounted for within existing budgets.</p>
<p>Legal</p>	<p>This policy ensures that the council complies with all of its legal safeguarding duties and responsibilities. Key pieces of legislation includes:</p> <p>Children Act 1989 – key piece of legislation that introduced core duties which Kent County council Social Services lead on, but there is an expectation TDC will support:</p> <p>Section 17 – duty to safeguarding and promote the wellbeing of children in their area in need.</p> <p>Section 47 – core duty to make enquiries when there is reasonable cause to suspect that a child or young person living in their area is suffering or likely to suffer significant harm</p> <p>Children Act 2004 – Updated 1989 Act, further key piece of legislation giving a number of duties to safeguarding children and young people, including a duty to work jointly with other agencies, hold membership on safeguarding boards run by the upper tier authority and undertake regular audits on processes relating to child protection (known as s11 audits)</p> <p>Working Together guidance (Revised 2015) – Sets out how agencies should work together to safeguard and promote the welfare of children</p> <p>The Care Act 2014 – Council responsibility to participate in Safeguarding Boards and Safeguarding Enquiries undertaken by Kent County Council.</p> <p>Safeguarding Vulnerable Groups Act 2006 – Gave the council additional responsibilities to protect vulnerable adults and undertake vetting.</p> <p>Protection of Freedoms Act 2012 – Amended Criminal Records Bureau legislation to Disclosure and Barring Service and gave the council as an employer rights to undertake additional record checks.</p>

	<p>Homelessness Act 2002 – Council duty to make a Child In Need (CHIN) referral to Kent Council Council Child Social Services regarding any homeless person with dependent children who are unable to be housed.</p> <p>Local government Act 2000 – Responsibility to address the needs of children and young people living in the area.</p> <p>Modern Slavery Act 2015 – Council duty to report victims of potential trafficking and modern slavery.</p> <p>Counter Terrorism and Security Act 2015 – Council duty to formulate and implement a local counter terrorism action plan, and report those who could be vulnerable to radicalisation or exploitation.</p> <p><i>A Full list of all associated legislation is included in appendix II of the policy</i></p> <p>Legal Services have reviewed the new Safeguarding Policy and responded on 15/09/16 advising they felt it was thorough and had no comments or changes to make.</p>								
Corporate	<p>The policy is a new corporate document combining all safeguarding duties.</p> <p>The policy complements the councils Corporate Priorities and values including</p> <ul style="list-style-type: none"> • Priority 1: A clean and welcoming environment • Priority 3: Supporting neighbourhoods. • Value 2: Supporting the workforce • Value 3: Promoting open communities 								
Equalities Act 2010 & Public Sector Equality Duty	<p>Members are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to the aims of the Duty at the time the decision is taken. The aims of the Duty are: (i) eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act, (ii) advance equality of opportunity between people who share a protected characteristic and people who do not share it, and (iii) foster good relations between people who share a protected characteristic and people who do not share it.</p> <p>Protected characteristics: age, gender, disability, race, sexual orientation, gender reassignment, religion or belief and pregnancy & maternity. Only aim (i) of the Duty applies to Marriage & civil partnership.</p> <table border="1" data-bbox="435 1630 1401 1877"> <tr> <td colspan="2">Please indicate which aim is relevant to the report.</td> </tr> <tr> <td>Eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act,</td> <td>X</td> </tr> <tr> <td>Advance equality of opportunity between people who share a protected characteristic and people who do not share it</td> <td>X</td> </tr> <tr> <td>Foster good relations between people who share a protected characteristic and people who do not share it.</td> <td>X</td> </tr> </table> <p>Previous policies set different processes to specifically safeguard children and then later 'vulnerable adults'.</p>	Please indicate which aim is relevant to the report.		Eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act,	X	Advance equality of opportunity between people who share a protected characteristic and people who do not share it	X	Foster good relations between people who share a protected characteristic and people who do not share it.	X
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	<p>The nature of safeguarding individuals and families is complex and cross cutting.</p> <p>By combining and streamlining all responsibilities into one Safeguarding Policy regardless of age, gender, disability, race, sexual orientation, gender reassignment, religion or belief and pregnancy & maternity, not only ensures there are fewer barriers to reporting – in that the process is the simplified, it also ensures that no one is discriminated against, and removed the need for a subjective assessment as to whether someone meets the definition of a child, or vulnerable adult.</p> <p>This should foster equality of opportunity between anyone who could be considered vulnerable or in need of support and potentially safeguarding, and eliminate any discrimination.</p> <p><i>A full customer impact assessment has been undertaken and is included in Annex 2 of this report.</i></p>
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CORPORATE PRIORITIES (tick those relevant)✓	
A clean and welcoming Environment	✓
Promoting inward investment and job creation	
Supporting neighbourhoods	✓

CORPORATE VALUES (tick those relevant)✓	
Delivering value for money	
Supporting the Workforce	✓
Promoting open communications	✓

1.0 Introduction and Background

- 1.1 Thanet District Council has a number of statutory obligations and responsibilities under various pieces of legislation to safeguard people. The Children Act 1989 and 2004 and the Care Act 2014 in particular, placed a specific emphasis on safeguarding children and vulnerable adults.
- 1.2 District Councils have responsibilities to ensure employees, members, contractors and volunteers are actively aware and suitably trained to report any safeguarding concerns as well as work jointly with Kent County Council as the upper tier authority, responsible for undertaking Social Services and lead on core safeguarding functions.
- 1.3 Guidance around collaborative working for children and young people is set out in the 'Working Together' guidance (most recently revised and updated in 2015) and the 'Care and Support' Statutory Guidance (issued for the Care Act 2014), sets out joint working duties in respect of safeguarding Vulnerable Adults.

2.0 The Current Situation

- 2.1 Currently, the council has a separate process and procedure for reporting child protection safeguarding concerns and those regarding vulnerable adults.
- 2.2 The responsibility rests primarily on the person reporting a concern to determine whether the subject of the concern is a child or a vulnerable adult (sometimes this isn't always known) and make a judgement as to what they perceive the

safeguarding risk to be. The process also focusses on access to and use of, the staff intranet and a web form, to report concerns.

- 2.3 Duties placed on local councils have now been extended, following the introduction of new pieces of legislation to now also include responsibilities around domestic abuse, modern slavery, human trafficking, exploitation, counter terrorism, radicalisation and forced marriage.
- 2.4 These recent legislative changes have prompted a review of the councils existing Child Protection and Vulnerable Adults Policies. In response the council has developed a single combined overarching approach to all safeguarding, which is set out in this draft policy.
- 2.5 This will ensure that the council meets its responsibilities to children, young people and vulnerable adults. It will also cover the newer reporting duties for modern slavery, human trafficking and counter terrorism (Prevent duty), to promote the safeguarding of anyone who may be at risk, regardless of any personal characteristic. It will make the recognition and reporting process more robust and therefore ensure that the council is responding to the needs of vulnerable people.
- 2.6 It is the responsibility of all council employees, contractors, volunteers and Elected Members to ensure they can easily access information, are aware of their duties and pass on information and make a safeguarding report should they witness or observe anything which causes them concern.
- 2.7 It remains the responsibility of other agencies such as Social Services and Kent Police to undertake safeguarding investigations.
- 2.8 The new policy aims to protect children and vulnerable adults by making it easier to report concerns. Liaison will take place with other agencies such as Kent Police and Social Services, to determine the best next steps to effectively safeguard, acknowledging both the concern raised through the reported information, as well as any wider contextual information that may be known.
- 2.9 This aligns with current functions already undertaken by community safety, with regards to an enhanced awareness of, and response to, reducing vulnerability across the district. The Community Safety Team has undergone additional safeguarding and vulnerability training and are able to offer expert advice through collaborative working.
- 2.10 The policy ensures that the council complies with its legal obligations relating to all aspects of safeguarding not just child protection and adults with specified vulnerabilities. It also lays out the expectations of members, contractors and volunteers and well as employees in complying with these legal obligations.

4.0 Options

- 4.1 Review and make comments on draft policy
- 4.2 Note draft policy

5.0 Next Steps

- 5.1 Report to Cabinet for adoption of the safeguarding policy

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Reporting to:	Penny Button, Head of Safer Neighbourhoods

Annex List

Annex 1	Draft Safeguarding Policy – September 2016
Annex 2	Customer Impact Assessment

Background Papers

Title	Details of where to access copy
Child Protection Policy (Current TDC)	http://tom.thanet.gov.uk/community-services/child-protection.aspx
Vulnerable Adult Policy (Current TDC)	http://tom.thanet.gov.uk/community-services/child-protection/safeguarding-vulnerable-adults.aspx

Corporate Consultation

Finance	Matt Sanham, Financial Services Manager
Legal	Ciara Feeney, Head of legal Services