

**OVERVIEW AND SCRUTINY
TUESDAY 3 DECEMBER 2013**

***PART 1 – PUBLIC DOCUMENT**

AGENDA ITEM No.

14

**TITLE OF REPORT : NEW POLICIES FOR SAFEGUARDING CHILDREN AND
SAFEGUARDING ADULTS AT RISK OF HARM**

REPORT OF THE HEAD OF POLICY AND COMMUNITY SERVICES

PORTFOLIO HOLDER: COUNCILLOR TONY HUNTER

1. SUMMARY

- 1.1 The Children Act 2004 requires that all statutory organisations have robust procedures in place for recognising, responding to and referring concerns about children and young people who may be at risk from or experiencing abuse. Procedures should be underpinned by a policy reflecting current legislative requirements and detailing how the Council meets these. Our policy and procedures must be compliant with the requirements of our Local Safeguarding Children's Board in Hertfordshire.
- 1.2 The No Secrets NHS guidance (2000) suggests it is best practice for all statutory organisations and others working with adults at risk of harm to have robust procedures in place for recognising, responding to and referring concerns about adults at risk of harm. It is also suggested best practice to have a policy document underpinning these procedures that reflects current legislation and details how the Council meets these.
- 1.3 The Council has robust procedures in place that govern how staff and members deal with concerns about children or adults at risk of harm. New policy documents which reflect legislative requirements and best practice have now been devised to underpin these procedures.
- 1.4 Neither this report, nor the associated policies involve the introduction of new procedures nor an increase in required resources from officers. These policies simply reflect work that is already being undertaken and has been since the Children Act 1989.

2. RECOMMENDATIONS

- 2.1 That the Overview and Scrutiny committee receive and comment on the new policy documents for Safeguarding Children and Safeguarding adults at risk of harm
- 2.2 That the Overview and Scrutiny Committee agree that these policies accurately reflect the sufficient and robust processes in place at NHDC.

3. REASONS FOR RECOMMENDATIONS

- 3.1 The recommendations as made are the best that can be accommodated within the approved budget and resources. They ensure the Council will fulfil statutory obligations and ensure robust practices for the protection of children and adults at risk of harm are demonstrated throughout the Council and services conducted on its behalf by partners and contractors.

4. ALTERNATIVE OPTIONS CONSIDERED

None applicable

5. CONSULTATION WITH EXTERNAL ORGANISATIONS AND WARD MEMBERS

None applicable

6. FORWARD PLAN

- 6.1 This report contains a recommendation on a key decision that was first notified to the public in the Forward Plan on the 31st October 2013.

7. BACKGROUND

- 7.1 Section 11 of the Children Act 2004 places a duty on all statutory agencies working with children and young people to 'safeguard and promote their welfare'; this need not be direct working (i.e. running a nursery), but is in the course of the Council's 'day to day work' i.e. through community safety projects/interventions. The duty means that key people and bodies must make arrangements not only to ensure their functions are discharged with full regard to the need to safeguard and promote the welfare of children but that services they contract out to others also have regard to that need.
- 7.2 A requirement of Section 11 of the Children Act 2004 is that all statutory organisations have robust procedures that govern how its employees recognise, respond to and refer concerns about children and young people who may be at risk of, or experiencing abuse. The Council has these procedures in place. They are regularly reviewed and made available to staff through their induction and on the staff intranet. A network of trained Designated Safeguarding Officers support staff who have concerns.
- 7.3 These procedures should be underpinned by a policy that meets the requirements of the Hertfordshire Safeguarding Children's Board. A previous Child Protection policy was endorsed in 2003, however subsequent legislative changes have required the development of a new policy. There have also been a number of high profile child abuse cases reported in the national press which have refocused attention on how all agencies can work better together to share concerns, with the intention being to prevent abuse at the earliest opportunity.
- 7.4 The No Secrets guidance (2000) from the NHS suggests it is best practice for all statutory organisations and others working with adults at risk of harm to also have robust procedures in place for recognising, responding to and referring concerns about adults at risk of harm. It is also suggested best practice to have a policy document underpinning these procedures that reflects current legislation and details how the Council meets these.

- 7.5 There have been a number of high profile adult abuse cases reported in the national media in the past two or more years, some relating to the abuse of individuals in a care setting, others in their own home, but all of which would be deemed 'vulnerable' due to their inability to protect themselves from that harm taking place. Proposals in the Care and Support Bill (England) and the Social Services and well-being (Wales) Bill will therefore change the way safeguarding is administered and will introduce new duties and responsibilities on local authority Adult Social Services as the lead agencies in protection of adults at risk. This County Council level responsibility does not completely eradicate NHDC responsibility, as the duty is devolved at 'an appropriate level' to district councils – that is in the course of its regular work in the community. Public services and Government will retain a clear responsibility to ensure that people in the most vulnerable situations are safe from abuse or neglect.

8. ISSUES

- 8.1 The Council is due to be audited by the Hertfordshire Safeguarding Children's Board in January 2014 on our compliance with the Children Act 2004 Section 11 requirements. Currently, having an endorsed policy for the Safeguarding Children that is compliant with the requirements of the Board is the only outstanding incomplete action remaining since our last audit in 2012.
- 8.2 The requirement for procedures and underpinning policy for the protection of adults at risk of harm is not in itself currently a legislative requirement. However it is accepted best practice for all public service organisations and those specifically working with adults in vulnerable situations to have clear guidelines for cooperating with their local authority by recognising, responding to and referring potential abuse in adults. This reinforces the authority's compliance with the Safeguarding Vulnerable Groups Act 2006 and 'Safe Staffing' requirements for the employment of council staff.

9. LEGAL IMPLICATIONS

10.

- 9.1 This report is produced subject to section 11 of the Children Act 2004. The Local Authorities (Functions and Responsibilities) (England) Regulations 2000/2853 states at Schedule 3 (Functions not to be the sole responsibility of the Council's Executive) that a Children and Young People's Plan produced pursuant to Children and Young People's Plan (England) Regulations 2005/2149 cannot be the sole responsibility of the Council's executive, Cabinet can provide a recommendation but it must be agreed by Council.
- 9.2 Safeguarding plans are produced pursuant to the Children and Young People's Plan (England) Regulations 2005/2149 because the regulations state at regulation 4 that each plan shall in particular include arrangements made by the authority under section 11(2) of the Children Act 2004 (arrangements to safeguard and promote welfare).
- 9.3 The purpose of the Safeguarding Vulnerable Groups Act 2006 is to restrict contact between children and vulnerable adults and those who might do them harm. The barring aspects of the Act came into force in October 2009.
- While the 2006 Act itself is very complex, its key principles are straightforward. They are as follows:

- (i) unsuitable persons should be barred from working with children or vulnerable adults;
- (ii) employers should have a straightforward means of checking that a person is not barred from working with children or vulnerable adults;
- (iii) suitability checks should not be one-offs: they should be an element of ongoing assessment of suitability to catch those who commit wrongs following a suitability check

9.4 The Council carries out Disclosure Barring Service checks (previously CRB) on relevant new employees, and has in place a process to check those on a periodic basis. This is considered further at paragraph 14.1 below.

9.5 The legal implications are otherwise considered within the body of the Report.

10. FINANCIAL IMPLICATIONS

10.1 There are no additional financial implications arising from the adoption of these policies as the intention is that any reporting of concerns are made through Council employees and members in their 'day to day' work.

11. RISK IMPLICATIONS

11.1 Progress on developing a Corporate Policy on Safeguarding Children is tracked on the risk register: RRA1491.

11.2 The Safeguarding children and Safeguarding adults at risk of harm policies outline the various steps taken by North Herts District Council to reduce the risk to both employees, members and children and vulnerable adults accessing our services, including procedures for safe recruitment, learning and development for employees and reporting procedures for employees with concerns.

12. EQUALITIES IMPLICATIONS

12.1 The Equality Act 2010 came into force on the 1st October 2010, a major piece of legislation. The Act also created a new Public Sector Equality Duty, which came into force on the 5th April 2011. There is a General duty, described in 9.2, that public bodies must meet, underpinned by more specific duties which are designed to help meet them.

12.2 In line with the Public Sector Equality Duty, public bodies must, in the exercise of its functions, give **due regard** to the need to eliminate discrimination, harassment, victimisation, to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not.

12.3 The Equality Act underpins the Children Act 2004 and Safeguarding vulnerable Groups Act 2006. The procedures outlined in the report and accompanying policies provide NHDC with clear guidelines to prevent, report suspected abusive behaviour and eliminate abuse. This positively supports both vulnerable children and adults within the community.

13. SOCIAL VALUE IMPLICATIONS

- 13.1 As the recommendations made in this report do not constitute a public service contract, the measurement of 'social value' as required by the Public Services (Social Value) Act 2012 need not be applied, although equalities implications and opportunities are identified in the relevant section at paragraphs 12.

14. HUMAN RESOURCE IMPLICATIONS

- 14.1 The Council has a detailed Data Barring Service policy in place regarding checking the suitability of applicants and employees working with children and adults in vulnerable situations, also known as 'safe staffing'. As well as the measures we have in place for safe recruitment, we provide relevant learning and development for employees and have clear reporting procedures for employees with concerns.

15. APPENDICES

- 15.1 Appendix A - Safeguarding Children Policy
- 15.2 Appendix B - Safeguarding Adults at risk of harm Policy

16. AUTHOR/CONTACT OFFICERS

- 16.1 **Author:** Helen Turner
Children and Young Persons Development Manager
(01462) 474333 helen.turner@north-herts.gov.uk

- 16.2 **Contributors:**
Liz Green
Head of Policy and Community Services
(01462) 474230 liz.green@north-herts.gov.uk

Katie White
Corporate Legal Manager and Monitoring Officer
01462 474315 katie.white@north-herts.gov.uk

Jodie Penfold
Group Accountant
(01462) 474332 jodie.penfold@north-herts.gov.uk

Fiona Timms
Risk Manager
(01462) 474251 fiona.timms@north-herts.gov.uk

Kerry Shorrocks
Corporate Human Resources Manager
(01462) 474224 kerry.shorrocks@north-herts.gov.uk

17. BACKGROUND PAPERS

None

- THIS PAGE IS BLANK -