

**OVERVIEW AND SCRUTINY COMMITTEE
19 JULY 2016**

***PART 1 – PUBLIC DOCUMENT**

AGENDA ITEM No.

15

TITLE OF REPORT: ANNUAL SAFEGUARDING PERFORMANCE UPDATE FOR APRIL 2015 – MARCH 2016

REPORT OF THE HEAD OF POLICY AND COMMUNITY SERVICES

EXECUTIVE MEMBERS: Councillor Bernard Lovewell (Adult Safeguarding) and Councillor Julian Cunningham (Children’s Champion, and Safeguarding of Children).

1. SUMMARY

- 1.1 To provide an update to the Overview and Scrutiny Committee regarding current performance at NHDC relating to the safeguarding of children and vulnerable adults.
- 1.2 The Council has robust procedures in place that govern how staff and members deal with concerns about children or vulnerable adults and introduced new policy documents to underpin these in 2014. Recent changes to legislative requirements and best practice have necessitated a review and updated policies have now been developed.

2. RECOMMENDATIONS

- 2.1 That the Overview and Scrutiny Committee receive and comment on the annual report of progress made against the Council’s fulfilment of the statutory duty to maintain an effective safeguarding function with regard to children.
- 2.2 That the Overview and Scrutiny Committee receive and comment on the annual report of progress made against the Council’s fulfilment of the statutory duty to maintain an effective safeguarding function with regard to vulnerable adults.
- 2.3 That the Overview and Scrutiny Committee agree that sufficient and robust processes are in place at NHDC for application and review of safeguarding processes, and that an annual review and presentation to this committee should continue.

3. REASONS FOR RECOMMENDATIONS

- 3.1 The recommendation(s) contained within paragraph 2.1, 2.2 and 2.3 are made due to this being the best course of action that can be accommodated within the approved budget and officer resources, that will fulfil our statutory and lawful obligations but also ensure that a regular, corporate review exists.

4. ALTERNATIVE OPTIONS CONSIDERED

4.1 None applicable

5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS

5.1 None applicable

6. FORWARD PLAN

6.1 This report does not contain a recommendation on a key decision and has not been referred to in the Forward Plan

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'. The duty means that key people and bodies must make arrangements not only to ensure their functions are discharged with full regard to the needs to safeguard and promote the welfare of children but that services they contract out to others also have regard to that need.

7.2 The Care Act 2014 came into effect on 1st April 2015 and places a statutory duty on local authorities to provide services to meet the needs of adults who require care and support. A duty to establish a Safeguarding Adults Board in every local authority area was introduced and a duty placed on Districts Councils and other local organisations to cooperate fully with the board. This duty involves both referring concerns and providing information when requested to assist with investigations. District Council representation is maintained on both the Hertfordshire Safeguarding Adults Board and Hertfordshire Districts Safeguarding Group.

7.3 A duty has been placed on top tier and unitary local authorities to establish independent Local Safeguarding Boards for both children and adults. Locally, these are known as the Hertfordshire Safeguarding Children Board (HSCB) and the Hertfordshire Safeguarding Adults Board (HSAB). Responsibility for the development and maintenance of both boards rests with Hertfordshire County Council, although officers from the Hertfordshire Districts and Boroughs are members of the Boards.

7.4 Safeguarding adults differs from the safeguarding and protection of children in a number of ways, including by application of quite different legislation. A key difference is that while there is a legal expectation that children are protected from physical or psychological damage, adults with mental capacity have a right by virtue of being of the age of majority, to make their own choices, take risks, be free from coercion, and to be consulted and involved in their own safeguarding plans. Adults without mental capacity have relevant legal safeguards under the Mental Capacity Act 2005.

7.5 Since the Council's policies were adopted in 2014 a number of key new duties have been introduced:

- 7.5.1 The Prevent duty: The Counter-Terrorism and Security Act 2015 contains a duty on specified authorities to have due regard to the need to prevent people from being drawn into terrorism. In March 2015, parliament approved guidance (issued under section 29 of the Act) for specified authorities, which they must have regard to when complying with the duty. The duty commenced on 1 July 2015 for authorities specified in Schedule 6 to the act, save in respect of any specified authority to which section 31 (freedom of expression in universities etc) is expressed to apply. As part of the Council's duty to safeguarding, staff, volunteers and members that are concerned an adult or child is at risk of being drawn into extremism must use our safeguarding procedures to report this.
- 7.5.2 Female Genital Mutilation: Female Genital Mutilation Protection Orders came into effect on 17th July 2015 providing legal protection to a person at risk of FGM and from 31st October 2015 it became a legal requirement for regulated health and social care professionals and teachers to report known cases of FGM in under 18's in England and Wales to the Police. As part of the Council's duty to safeguarding, staff, volunteers and members that are concerned an adult or child has been the victim of FGM or is at risk must use our safeguarding procedures to report this. In the UK, it is estimated that 60,000 women are living with the effects of Female Genital Mutilation (FGM) with a further 23,000 girls under 15 years old at risk of FGM (NSPCC). It is illegal to perform FGM in the UK, to take a British Citizen or permanent resident outside the UK in order for FGM to be performed or to assist a person in either of these acts. However lack of awareness, fear of reporting or concerns over showing sensitivity to cultural practices often result in actual or at risk cases not being reported. Multi-agency practice guidelines were issued in 2014 to promote the reporting of Female Genital Mutilation.
- 7.5.3 Forced Marriage: The Anti-Social Behaviour Crime and Policing Act 2014 have made it illegal in England and Wales to force someone to marry, to take someone overseas and force them to marry and to marry someone without the mental capacity to consent. As part of the Council's duty to safeguarding, staff, volunteers and members that are concerned an adult or child has been the victim of forced marriage or is at risk must use our safeguarding procedures to report this.

8. ISSUES

- 8.1 Our statutory function remains that of referral of concerns to the relevant agency for necessary action; in making a formal referral, the Council receive an acknowledgement that the matter is already under investigation, assigned to a social worker or on occasion we may be asked for any more information we may be able to provide. However, the Council cannot be informed what the outcome or resolution may be for any victim, family, carer or alleged abuser; we can therefore only report rates of referrals, not rate of resolution.

8.2 Rates of referrals (children) April 2015 – March 2016

- 8.2.1 Between April 2015 and March 2016 NHDC referred 17 referrals to Hertfordshire County Council regarding concerns that a child was at risk of significant harm.

Cases were varied in the nature of the concern. 12 children were involved in cases where their parents were deemed intentionally homeless. Three children were present in households where concerns were present about anti-social behaviour such as drug and alcohol use or domestic abuse. One incident involved the potential sexual abuse of young people in a public setting. Two cases involved children in situations of physical abuse.

8.2.2 A selection of County wide performance statistics from the Hertfordshire Safeguarding Children Board have been provided in appendix one. These relate to the total number of referrals and incidents and provide statistics about the prevalence of children subject to a child protection plan. Referral rates include all agencies including members of the public. The rising and falling rates of referrals, incidents and plans are seen to represent typical fluctuations and no further explanation has been assessed as relevant by the Board.

8.3 **Rates of referrals (vulnerable adults) April 2015 – March 2016**

8.3.1 During the same period 5 adults were referred. Cases involved concerns about self-neglect, financial abuse and the provision of insufficient care.

8.3.2 Caution should be applied when comparing referral rates with previous years or within similar organisations such as other District or Borough Councils. Many factors including heightened awareness amongst the public created by high profile cases reported in the media influence referral rates. Increases or decreases in referrals made do not necessarily correlate with changing patterns of actual abuse. Under-reporting is still considered a significant problem, particularly affecting sexual abuse cases. District and Borough Councils across the country also differ significantly in the types of frontline services they provide, and thus the number of officers in direct contact with potential victims, and this influences the numbers of referrals made. For example, Councils still managing their own housing stock tend to have significantly more referrals. More crucial is an assessment that NHDC demonstrates robust policies and procedures that are adhered to by all staff and regularly reviewed.

8.4 **Progress and planned developments:**

8.4.1 A number of developments have taken place at NHDC in relation to safeguarding in the last twelve months;

- A Safer Staffing Audit was completed in early 2016 providing limited assurance due to concerns around monitoring contracts. These are now being addressed.
- Between January-March 2016, 174 staff completed level 1 Child Protection training. Currently this training has to be renewed every three years.
- In April 2016, 15 Designated Safeguarding Officers completed level 2 Child Protection training. Currently this training has to be renewed every two years.
- Owners of licensed premises, hotels and B&B's were offered the opportunity to attend CSE briefings provided by Hertfordshire Constabulary in June 2015.
- 6 officers were trained to deliver WRAP (Workshop to raise awareness of prevent) training to colleagues. During 2015/16, officers delivered 7 WRAP training that were attended by 47 colleagues and 3 members.
- All taxi drivers were invited to attend briefings on Child Sexual Exploitation in November 2015.
- An audit of our learning and development processes was completed for the Hertfordshire Safeguarding Children's Board (HSCB) in March 2015 with no feedback received to date.

- An audit of our learning and development processes was completed for the Hertfordshire Safeguarding Adults Board (HSAB) in March 2015 with no feedback received to date.
- An audit of our procedures for responding to honour based abuse was completed for the Honour Based Abuse/Violence sub-group of the HSCB with no feedback received to date.
- An audit of our procedures for responding to Child Sexual Exploitation was completed in March 2016 with no feedback received to date.

The continual process of audit requests which rarely result in direct feedback to the organisation is an issue currently being addressed by the District Safeguarding group.

8.4.2 The following pieces of work are planned for completion during 2016/17:

- New policies for Safeguarding Children and Safeguarding Vulnerable Adults have been developed to reflect emerging issues including the Prevent duty, Female Genital Mutilation, Child Sexual Exploitation and Forced Marriage and the Care Act 2014. In recognition of the rapidly changing national landscape for safeguarding, two core policies have been developed outlining the key underpinning legislation and core principles which do not change significantly over time. A number of appendices relating to current and emerging issues have been developed to compliment the core policies allowing these to be updated as new legislation and/or guidance emerges.
- Designated Safeguarding Officers will need to attend advanced level refresher training in Safeguarding Vulnerable Adults in line with the bi-annual requirement.

9. LEGAL IMPLICATIONS

9.1 The terms of reference for Overview and Scrutiny Committee include to “question...appropriate officers about service performance, whether generally or in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects”.

9.2 The relevant legislation is the Children Act 2004, the key points of which are:-

- 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).
- Section 13 gives district councils representation on, and participation in, Local Safeguarding Children’s Boards (LSCBs).

- 9.3 The Care Act 2014 came into effect on 1st April 2015 and places a statutory duty on local authorities to provide services to meet the needs of adults who require care and support. A duty to establish a Safeguarding Adults Board in every local authority area was introduced and a duty has been placed on Districts Councils alongside other local organisations to cooperate fully with the board. District Council representation is maintained on both the Hertfordshire Safeguarding Adults Board and Hertfordshire Districts Safeguarding Group. Our safeguarding procedures ensure that relevant information is exchanged with the board when there are concerns about an adult.
- 9.4 The key responsibility for safeguarding in Hertfordshire lies with the County Council and it is important to remember that it is not the responsibility of any District Council Member, employee, volunteer or contracted service provider to determine whether abuse is being experienced, or has taken place, or indeed the nature of any abuse.

The role of the member, employee, volunteer or contracted service provider is to inform and report concerns, not to investigate or judge. A District Council is not responsible for investigating any safeguarding incidents or allegations, involving children, young people or vulnerable adults, but provides the local 'eyes and ears' to enable a route to report any concerns.

10. FINANCIAL IMPLICATIONS

- 10.1 There are no additional financial implications for us to continue to meet our obligations. Ongoing training for staff will be funded from existing budgets. However it should be noted that there are increased training needs for both staff and members in response to the national agenda e.g Child Sexual Exploitation, Prevent, which may place additional pressure on learning and development budgets.

11. RISK IMPLICATIONS

- 11.1 Progress on implementing and reviewing Corporate Policies for Safeguarding Children and Safeguarding Adults at Risk of Harm is tracked on the risk register via risk entry RR278.
- 11.2 NHDC's safeguarding policies and procedures outline the various steps taken by North Herts District Council to reduce the risk to employees, 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 Due to their age, development and dependency on adults including in the delivery of services, children are vulnerable and therefore often more open to abuse. They have a legal right to be protected and for organisations to take appropriate action to prevent and report suspected abusive behaviour. The Equality Act supports the Children Act 2004 to provide this protection to vulnerable children.
- 12.4 Equally, adults who are more vulnerable, either through decreased mental capacity/age related dementia, learning difficulties, or their personal domestic situation i.e. changing from one residential care home to another, have a legal right to be protected and for organisations to take appropriate action to prevent and report suspected abusive behaviour.

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 HR role in safeguarding is in the main covered by processes contained in recruitment and the Disclosure Barring Service Policy and the links from that policy to other policies. The Disclosure Barring Service Policy has just been updated to reflect the changes brought in by the Protection of Freedoms Act 2012 amending the Safeguarding Vulnerable Groups Act 2000.

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16. BACKGROUND PAPERS

16.1 None

17. APPENDICES

17.1 Appendix 1: Statistics from Hertfordshire Safeguarding Children Board