

OVERVIEW AND SCRUTINY
12th SEPTEMBER 2023

***PART 1 – PUBLIC DOCUMENT**

TITLE OF REPORT: ANNUAL REVIEW OF SAFEGUARDING AND PROTECTING CHILDREN AND ADULTS (2022-23)

REPORT OF: SAFEGUARDING TEAM LEADER

EXECUTIVE MEMBER: EXECUTIVE MEMBER FOR COMMUNITY ENGAGEMENT

COUNCIL PRIORITY: PEOPLE FIRST

1. EXECUTIVE SUMMARY

- 1.1 The Council has robust procedures in place that govern how staff and members deal with concerns about children and adults at risk of abuse in order to maintain our statutory duty to safeguard their welfare. Work is ongoing to ensure that these procedures are understood and followed throughout the organisation.

2. RECOMMENDATIONS

That the Committee be recommended to:

- 2.1 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 regarding children, adults, modern slavery and domestic abuse.
- 2.2 Note the recent Shared Internal Audit Service (SIAS) audit (Appendix A) and its Action Plan tracker (Appendix B).
- 2.3 Agree that sufficient and robust processes are in place at the Council 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) made are 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 considered appropriate given the Committees remit.

5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS

- 5.1 The Executive and Deputy Member for Community & Partnerships have been consulted and have endorsed the content of the report. The Leadership Team have also been consulted and support the contents of the report.

6. FORWARD PLAN

- 6.1 This report does not contain a recommendation on a key Executive decision and has therefore 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' and includes responsibility to monitor sufficient arrangements in services they contract out to others.
- 7.2 The Care Act 2014 places a duty on Districts Councils and other local organisations to cooperate fully with their local Safeguarding Adults Board by referring concerns and providing information when requested to assist with investigations.
- 7.3 The Domestic Violence, Crime and Victims Act 2004 places a duty on local authorities to participate in Domestic Homicide Reviews whilst the Domestic Abuse Act 2021 requires local authorities to provide safe accommodation, homelessness assistance and additional support services for victims.
- 7.4 The Modern Slavery Act 2015 requires local authorities to refer child and adult victims to the National Referral Mechanism (NRM).
- 7.5 District Council representation is maintained at the Hertfordshire Safeguarding Adults Board, Hertfordshire Safeguarding Children Partnership, Hertfordshire District and Borough Councils Safeguarding Group, Hertfordshire Domestic Abuse Partnership and Hertfordshire Multi Agency Prevent Board.
- 7.6 Our primary statutory function remains that of referring concerns to the relevant agency for necessary action. When making a formal referral, the Council should receive notification as to whether the referral has met the threshold for further enquiry or not. An officer who has significant dealings with the victim could be asked to contribute to further proceedings and/or provide further information. Concerns that do not meet the threshold for a statutory investigation will be passed back to the organisation. Officers have a duty to offer information and support including contact details for organisations who can provide further advice and guidance. Concerns that do not meet the threshold for statutory investigation are logged on a central database enabling officers to see if the ongoing reporting of additional concerns should trigger a future referral.
- 7.7 The Overview and Scrutiny Committee receive an annual report detailing safeguarding activity undertaken by the Council over the previous year and significant actions that will be undertaken in the coming year. Following the Safeguarding Audit report recommendations (Appendix) they shall also receive an update note bi-annually for information, that enables the Committee to note and track any recommendations and actions taken.

8. RELEVANT CONSIDERATIONS

8.1 The Council's safeguarding referral rates:

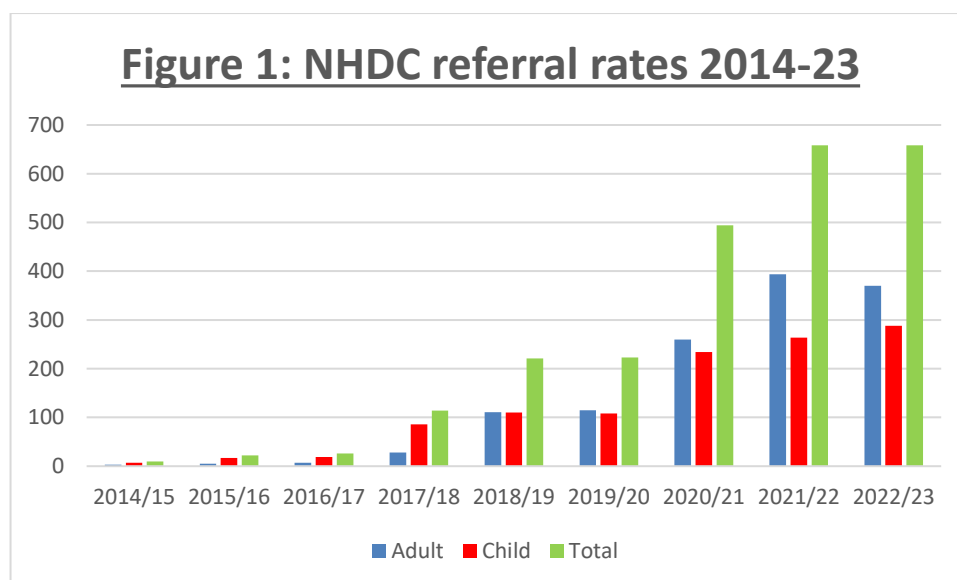
<u>Reason for referral</u>	<u>No. of referrals</u> <u>20/21</u>	<u>No. of referrals</u> <u>21/22</u>	<u>No. of referrals</u> <u>22/23</u>
CHILD			
Child at risk of significant harm	30	38	51
Child present & parent deemed intentionally homeless	4	2	9
Child in household where domestic abuse is present*	198	223	220
Modern Slavery (children)	0	0	0
Concerns about a child below threshold for a referral (other help offered)	2	1	8
Total no. of cases involving children	234	264	288
ADULT			
Adult with care & support needs at risk of significant harm	23	29	108
Adult with unmet mental health need (mental health crisis)	33	50	74
Modern Slavery (adult)	0	8	0
Domestic abuse (adult)** * & ** - adult domestic abuse victims will sometimes have more than one child present in the household, hence numbers of child victims are higher than adult.	173	251	93
Concerns about an adult below threshold for a referral (other help offered) / or consent declined	31	56	95
Total no. of cases involving adults	260	394	370
TOTAL CHILD & ADULT CASES	494 (+97% from 19/20)	658 (+33% from 20/21)	658 (- 0.0% from 21/22)

Table 1: Safeguarding referral rates 2020/21, 2021/22 and 2022/23

8.1.1 As shown in figure 1 (below) the Council has continued to record and report more concerns year on year since 2014 when centralised records began. However, until 2020, referral rates into external statutory agencies have remained relatively static, tending to fluctuate up and down between quarters with no substantial changes from one year to the next. Our rising referral rates have not been reflective of an increase in abuse in our local communities, but due to positive developments at the Council such as the introduction of a central database of referrals, mandatory corporate safeguarding training and numerous awareness raising campaigns. These have resulted in both an increased awareness and confidence amongst staff as well as improved corporate oversight about the safeguarding actions undertaken across the organisation resulting in a steady increase in our recorded referral rates.

- 8.1.2 The significant increase in referral rates between 2020/21 and 2021/22 was consistent with national trends which saw a surge in requests for domestic abuse support services and lower referrals for safeguarding concerns due to reduced face to face contact between officers and the public, and a smaller increase in referrals for mental health support. In 2022/23, referral rates have continued to rise across all categories, we have seen a significant increase in referrals for adults with care & support needs at risk of significant harm, and adults with unmet mental health needs (mental health crisis).
- 8.1.3 Referrals for individuals experiencing a mental health crisis have continued to increase. We have seen an increase in several referrals due to the current cost-of-living crisis. Many statutory and third sector organisations providing mental health support report that demand currently far exceeds resources. Long waits for treatment can be distressing for the individual but also more time consuming for officers looking to provide alternative sources of support. Hertfordshire County Council have put together a Food Aid Providers list which has been shared with individuals in need of this facility.
- 8.1.4 SADA have commenced a project in North Herts. The project is enabling SADA to work in those areas in North Hertfordshire where we know there is under reporting of domestic abuse and high levels of deprivation ¹

¹ [New data from Refuge warns that cost of living crisis is forcing survivors of domestic abuse to stay with abusive partners. - Refuge](#)



8.2 Actions completed April 2022 to March 2023:

- 8.2.1 Introductory, basic and advanced child and adult safeguarding training has been delivered to all officers (new or refresher) and introductory e-learning is now mandatory as a minimum level of training for all staff. All new starters should attend the relevant level of training (note audit report for e-learning for all staff now within the first few working days). Officers refresh training every 3 years and approximately 200 bookings for training are facilitated every year.
- 8.2.2 Representation has been maintained at the Hertfordshire District and Borough Council Safeguarding Group which brings together all ten districts and the Adults Board and Children's Partnership.

- 8.2.3 Ongoing contribution to Domestic Homicide Review (DHR) Panels involving North Hertfordshire residents. There have been three historic DHRs re-reviewed following Home Officer consideration, one from 2018 finalised review referred during 2023 and one from 2022, currently under consideration.
- 8.2.4 Continued delivery of the corporate safeguarding learning and development programme to ensure all new starters receive a first day information sheet and undertake a learning needs analysis, corporate induction safeguarding briefing and the relevant level of training.
- 8.2.5 Continued maintenance of the corporate safeguarding database, including responses to Section 17 and 47 enquiries for children and Section 42 information sharing requests for adults as well as subject access and freedom of information requests.
- 8.2.6 Officers and members were offered additional training on a variety of safeguarding issues including domestic abuse, modern slavery and supporting individuals experiencing a mental health crisis / suicide attempt.
- 8.2.7 A variety of local and national campaigns were promoted to the local community and to staff through monthly Insight articles including domestic abuse, making good quality referrals, professional curiosity and promoting training opportunities.
- 8.2.8 To continue to support the North Herts Community Safety Partnership's 'Protecting Vulnerable People' strategic priority which incorporates domestic abuse and violence. As a priority this encourages all partners to lead and support where appropriate campaigns through social media, exhibition stands and events to highlight issues relating to this. The Council will continue to promote all national and local support domestic abuse services available.
- 8.2.9 There was a restructure of the Safeguarding team during the latter part of 2022, with the Safeguarding Team Leader and Safeguarding Admin Assistant appointed into role in December 2022. The Safeguarding Team was also formally included within Policy & Community Services from February 2023. This was to provide further resilience to deal with the increasing level of referrals and actions required.
- 8.2.10 SIAS (Shared Internal Audit Service) Safeguarding Audit commenced in March 2023. This was undertaken by Hertfordshire in Partnership. The Audit completed on the 25th May 2023, and draft audit report issued 8th June 2023. Concluded that overall reasonable assurance was given, two medium and four low priority findings identified and recommendations as a result of the work undertaken. A copy of the Audit was provided to the Overview & Scrutiny Chair and Vice chair when the final version was issued in July 2023. The final report is also Appended at A, and this and the Action Plan tracker at B contain the recommendations. The Committee will note, as indicated above, that in addition to the annual report, an Information note is also provided to the Committee to provide regular updates.

8.3 Work April 2023 to March 2024:

- 8.3.1 The Team will continue to promote local and national campaigns, which have included the National Stalking Awareness Week April 23, World Elder Abuse Day, Labour Exploitation Week Sept 23, and the Anti-Slavery Day October 2023.

- 8.3.2 The work will include the continuation of all ongoing day to day safeguarding functions: training for new staff and refresher training for existing staff; maintenance of database and information sharing requests; representation on relevant networks and partnership groups; coordination of Corporate Safeguarding Group with twice yearly meetings; data retention compliance.
- 8.3.3 To ensure effective compliance regarding the Authority's duties in relation to modern slavery and human trafficking and Domestic Homicide Reviews. The Committee should note that the Government has recently been finalising a consultation of the guidance on the process and the outcome will be provided in due course.
- 8.3.4 Bespoke training will be offered to officers on mental health and hoarding behaviours.
- 8.3.5 The Team will continue to utilise the Government Modern Slavery Statement Registry to easily assess information in relation to suppliers' compliance with the Modern Slavery Act 2015.
- 8.3.6 There will also be a continuation with the work in partnership with SADA to manage domestic abuse referrals and to support staff managing these cases.
- 8.3.7 Ensure staff and designated safeguarding officers are equipped to support complex requests for help from individuals experiencing a mental health crisis, in terms of technical skills and knowledge but also aftercare for staff supporting individuals who are self-harming or threatening suicide.
- 8.3.8 Review Corporate Safeguarding Groups Terms of reference and delivery of meeting, to ensure that participation is maximised and meaningful.
- 8.3.9 The Team will review the audit actions that arose out of the recent Safeguarding Audit and try to address these. Of specific relevance to this Committee, are the recommendations numbered 2 "Councillor/ Member Safeguarding Training". Member training uptake has been low – at best 45%. SIAS have recommended that all Members complete the E-learning module and that is particular importance to the Membership of this Committee (as the overseeing body).

9. LEGAL IMPLICATIONS

- 9.1 Section 6 of the Council's Constitution at paragraph 6.2.7(y) (p 59) states that the terms of reference for the Overview and Scrutiny Committee includes to "Consider reports relating to the authority's safeguarding responsibilities".
- 9.2 The relevant legislation includes 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).
- 9.3 Legislation to reform multi-agency safeguarding arrangements for children formed part of the Children and Social Work Act 2017, which sets out new safeguarding duties. Local

Safeguarding Children's Boards (LSCB's) have been abolished and new requirements have been placed on top tier local authorities, the police and health to make arrangements for safeguarding children in their local area. In Hertfordshire, the Hertfordshire Safeguarding Children's Partnership (HSCP) has been established, led by the local authority, police and health with partnership engagement from other organisations including the District and Borough Councils.

- 9.4 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 District Councils alongside other local organisations to cooperate fully with the board.
- 9.5 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.
- 9.6 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 adults at risk, but provides the local 'eyes and ears' to enable a route to report any concerns.
- 9.7 Statutory guidance that was issued under 9 (3) of the Domestic Violence, Crime and Victims Act 2004 places a duty on local authorities to participate in Domestic Homicide Reviews. The Domestic Abuse Act 2021 also places a duty on local authorities in relation to safe accommodation, homelessness assistance and additional support services for victims of domestic abuse.
- 9.8 The Modern Slavery Act 2015 places specific duties on local authorities under sections 43 and 52 of the Act, to refer child victims or consenting adult victims through to the National Referral Mechanism (NRM), or to make a duty to notify referral (DtN) to the Home Office for a Single Competent Authority (SCA) assessment. Modern Slavery will be treated as falling under the over-arching area of safeguarding and reported through to the Overview & Scrutiny Committee as part of the annual report accordingly.

10. FINANCIAL IMPLICATIONS

- 10.1 Currently, the corporate training budget provides revenue funding for all levels of safeguarding training. It should be noted that when there are increased training needs for both staff and members in response to the national agenda e.g. Child Sexual Exploitation, Prevent, domestic abuse, this will place additional pressure on learning and development budgets. In addition, the Council continues to source training opportunities that are provided free of charge by partners where possible.
- 10.2 There are no capital implications.

11. RISK IMPLICATIONS

- 11.1 The Council's safeguarding policies and procedures outline the various steps taken to reduce the risk to employees, councillors and children and adults at risk of abuse and

harm accessing our services, including procedures for safe recruitment, learning and development for employees and reporting procedures for employees with concerns.

- 11.2 These policies and procedures are now established throughout the organisation, with processes in place to monitor, review and report ongoing implementation as a business-as-usual activity.

12. EQUALITIES IMPLICATIONS

- 12.1 In line with the Public Sector Equality Duty, public bodies must, in the exercise of their 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.

- 12.2 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.

- 12.3 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. The Social Value Act and “go local” requirements do not apply to this report.

14. ENVIRONMENTAL IMPLICATIONS

- 14.1. There are no known Environmental impacts or requirements that apply to this report.

15. HUMAN RESOURCE IMPLICATIONS

- 15.1 As indicated in the main body of this report, the corporate human resourcing required to fulfil the Authorities statutory duties and responsibilities in relation to the safeguarding agenda is increasing and it is likely that this will continue.

- 15.2 In regard to the Human Resources service role in safeguarding it is, in the main, responsible for the corporate management, process and administration of the Recruitment and Selection Policy and the Disclosure Barring Service Employment Checks Policy. The Human Resource Service also assist with learning and development training required for safeguarding.

16. APPENDICES

- 16.1 Appendix A – SIAS Audit June 2023

- 16.2 Appendix B - SIAS Audit Management Action tracker

17. CONTACT OFFICERS

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18. BACKGROUND PAPERS

- 18.1 None.