

**OVERVIEW AND SCRUTINY
3 SEPTEMBER 2024**

***PART 1 – PUBLIC DOCUMENT**

TITLE OF REPORT: ANNUAL REVIEW OF SAFEGUARDING AND PROTECTING CHILDREN AND ADULTS (2023-24)

REPORT OF: SERVICE DIRECTOR, LEGAL & COMMUNITY
EXECUTIVE MEMBER: COMMUNITY & PARTNERSHIPS
COUNCIL PRIORITY: PEOPLE FIRST

1. EXECUTIVE SUMMARY

- 1.1 The Council has robust procedures in place that govern how staff and councillors deal with concerns about children and adults with care and support needs 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 with care and support needs, modern slavery, Prevent and domestic abuse.
- 2.2 Note the SIAS Audit Action Plan tracker (Appendix A).
- 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, contained within paragraphs 2.1 to 2.3 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 COUNCILLOR AND EXTERNAL ORGANISATIONS

- 5.1 The Executive Member for Community & Partnerships has been consulted and has 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, although this does not always happen. 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, the Committee receive an update note bi-annually for information, that enables the Committee to note and track any recommendations and actions taken. A half yearly information note has also recently been provided to the committee (March 2024). This note provided an update following the Shared Internal Audit Service (SIAS) report recommendations as presented to the Committee in September 2023. SIAS recommended that in addition to the Annual Report to the Committee, updates were provided in-year, on recommendations "until fully completed" and are therefore provided as an information note and Appendices.

8. RELEVANT CONSIDERATIONS

8.1 The Council's safeguarding referral rates:

<u>Reason for referral</u>	<u>No. of referrals</u> <u>21/22</u>	<u>No. of referrals</u> <u>22/23</u>	<u>No. of referrals</u> <u>23/24</u>
CHILD			
Child at risk of significant harm	38	51	69
Child present & parent deemed intentionally homeless	2	9	2
Child in household where domestic abuse is present <i>(Child referral figure for domestic abuse will always be higher than the number of adults referred for domestic abuse due to most domestic abuse referrals involving multiple children but only one adult)</i>	233	266	198
Modern Slavery (children)	0	0	0
Prevent (Children)	0	0	0
Concerns about a child below threshold for a referral (other help offered)	1	8	19
Total no. of cases involving children	274	334	288
ADULT			
Adult with care & support needs at risk of significant harm	29	108	166
Adult with unmet mental health need (mental health crisis)	50	74	114
Modern Slavery (Adult)	8	0	1
Prevent (Adult)	0	0	0
Domestic abuse (adult) <i>(Child referral figure for domestic abuse will always be higher than the number of adults referred for domestic abuse due to most domestic abuse referrals involving multiple children but only one adult)</i>	251	93	70
Concerns about an adult below threshold for a referral (other help offered) / or consent declined	56	95	132
Total no. of cases involving adults	394	370	483
TOTAL CHILD & ADULT CASES	668 (+24% from 20/21)	704 (+5% from 21/22)	771 (+10% from 22/23)

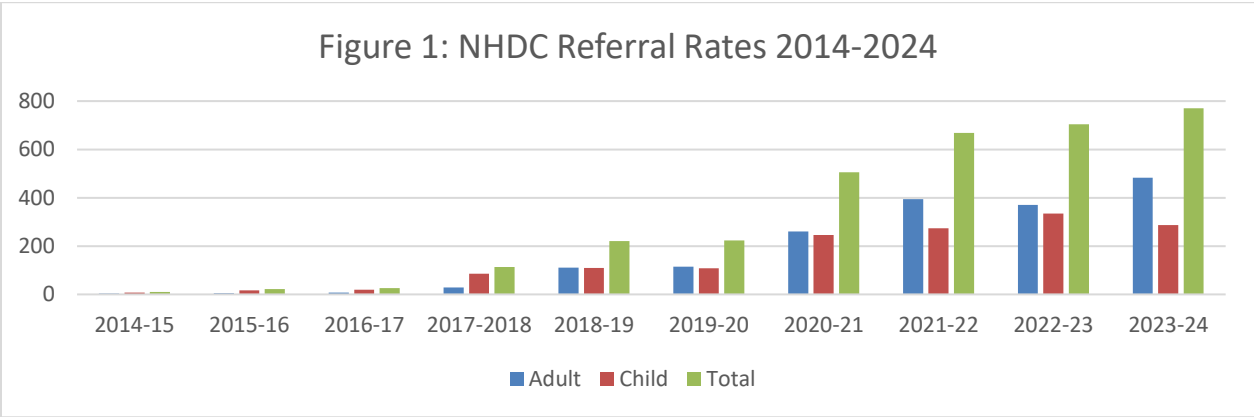
Table 1: Safeguarding referral rates 2021/22, 2022/23 and 2023/24

- a) 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. There is no evidence to suggest that 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.

- b) In 2023/24, referral rates have continued to rise in most 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). The effects of the pandemic and the current cost of living crisis are impacting on referral rates.
- c) The Council commission Survivors Against Domestic Abuse (SADA) to provide expert help for domestic abuse victims. Both SADA and the Council make safeguarding referrals for adults and children in North Herts affected by domestic abuse and these are presented together in 8.1. Legislation requires public bodies to automatically refer children to safeguarding who are living in a household where domestic abuse is present. Adults can separately be referred for support with their consent. The number of child referrals for domestic abuse is always higher than adult due to multiple children often being referred alongside one parent.
- d) 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 the Hertfordshire Welfare Assistance support scheme to help Hertfordshire residents facing an immediate financial crisis. [Hertfordshire welfare assistance | Hertfordshire County Council](#)
- e) Survivors Against Domestic Abuse (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
- f) Referrals raised in each area of Hertfordshire to Hertfordshire County Council's Childrens Services, Adult Care Services and HPFT can be seen in Appendix B. The figures show all concerns received, regardless of the referring organisation so will include the Council's and those of other organisations.

¹ [The impact of the cost-of-living crisis on survivors of domestic abuse \(refuge.org.uk\)](#)



8.2 Actions completed April 2023 to March 2024:

The following actions were completed:

- a) 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 and all new staff complete the e-learning within the first few working days). Officers refresh training every 3 years and approximately 200 bookings for training are facilitated every year.
- b) 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.
- c) Ongoing contribution to Domestic Homicide Review (DHR) Panels involving North Hertfordshire residents.
- d) 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.
- e) 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.
- f) Officers and councillors were offered additional training on a variety of safeguarding issues including domestic abuse.
- g) A variety of local and national campaigns were promoted to the local community and to staff through monthly Insight articles, and Member Information Services Information notes including domestic abuse, honour based abuse, hoarding and promoting training opportunities.
- h) 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.
- i) The Committee will note that in addition to the annual report, an Information note is also provided to the Committee bi-annually to provide regular updates.
- j) The HSAB Self-Assessment Audit was completed in November 2023 by North Herts Council. However, the recommendations largely related to outstanding (HCC) Safeguarding Adult Reviews that currently remain with their authority for final completion, and Councillor training (always an ongoing issue).

8.3 Work April 2024 to March 2025:

The following actions will be carried out:

- a) The team will continue to promote local and national campaigns, which have included the National Stalking Awareness Week, World Elder Abuse Day, Sexual Abuse and Sexual Violence Awareness Week and the Anti-Slavery Day.
- b) 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.
- c) To ensure effective compliance regarding the Authority's duties in relation to modern slavery and human trafficking and Domestic Homicide Reviews.
- d) Bespoke training will be offered to officers on mental health.
- e) 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.
- f) 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.
- g) 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.
- h) The Team will review the audit actions that arose out of the SIAS Safeguarding Audit in 2023 and will address these as practicable. Of specific relevance to this Committee, are the recommendations numbered 2 "Councillor Safeguarding Training". Councillor training uptake has been low – at best 45%. SIAS have recommended that all Councillors complete the E-learning module and that is particular importance to the Membership of this Committee (as the overseeing body).
- i) Before the full council meeting on the 11th July 2024, the Safeguarding Team presented the E-learning module to councillors to increase training compliance.

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 councillor, 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 councillor, 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 councillors 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.

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 human resource required across the Council 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 terms of the team in place to carry out the work relating to safeguarding, the dedicated Safeguarding team were appointed in December 2022 and the Team Leader position is currently vacant.
- 15.3 The Human Resources service role in safeguarding, includes, the corporate management, and administration of the Recruitment and Selection Policy, the Disclosure Barring Service Policy (pre-employment checks) and associated training. The Human Resources Service also assist with training required for safeguarding.

16. APPENDICES

- 16.1 Appendix A – SIAS Audit Action Tracker
- 16.2 Appendix B – Hertfordshire County Council Referral Rates by District

17. CONTACT OFFICERS

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18. BACKGROUND PAPERS

- 18.1 [Safeguarding Information Note - O & S Committee 12th March 2024](#)