

**OVERVIEW AND SCRUTINY COMMITTEE
11 DECEMBER 2018**

***PART 1 – PUBLIC DOCUMENT**

TITLE OF REPORT: ANNUAL REVIEW OF SAFEGUARDING CHILDREN AND ADULTS AT RISK (2017-18)

REPORT OF: COMMUNITY HEALTH AND WELLBEING TEAM LEADER

EXECUTIVE MEMBER: *EXECUTIVE MEMBER FOR HOUSING AND ENVIRONMENTAL HEALTH AND EXECUTIVE MEMBER FOR COMMUNITY ENGAGEMENT AND RURAL AFFAIRS*

COUNCIL PRIORITY: PROSPER AND PROTECT

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 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 with regard to children.
- 2.2 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 adults at risk.
- 2.3 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. None applicable.

5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS

5.1 The Executive Member for Housing and Environmental Health (adult safeguarding) has been consulted and has endorsed the content of the report.

5.2 The Executive Member for Community Engagement and Rural Affairs (child safeguarding) has been consulted and has endorsed the content of the report.

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 to ensure their functions are discharged with full regard to the need to safeguard and promote the welfare of children. This also includes responsibility to monitor sufficient arrangements in services they contract out to others.

7.2 The Care Act 2014 came into effect on 1st April 2015 and places a statutory duty on top tier 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, Children's Board and Hertfordshire Districts Safeguarding Group.

7.3 Our 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 a case conference and/or provide further information. Where this is not the case, we would rarely be informed of further action.

7.4 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.

8. RELEVANT CONSIDERATIONS

8.1 Between April 2017 and March 2018 the Council made 114 referrals to agencies where there was a safeguarding concern.

- 19 children were referred to social care due to concerns that they were experiencing abuse. These involved 13 different families and involved a mixture of physical and emotional abuse and concerns of neglect.
- 7 referrals were made to the Hertfordshire Multi Agency Risk Assessment Conference (MARAC) or the Hertfordshire IDVA (Independent Domestic Violence Advisor) about an adult experiencing domestic abuse where no children were present in the family.
- 60 domestic abuse notifications were made where children were referred to social services because they were present in a household where domestic abuse was taking place. This referral is automatic and does not require the consent of the parent/carer. Adults however do have to provide consent to be referred themselves to the MARAC or IDVA for support with domestic violence.
- 13 adults were referred to social care due to concerns that they were experiencing abuse. To make this referral an adult has to provide consent unless the referring professional believes the adult lacks the mental capacity to make an informed decision about this.
- 6 adults were referred to the Hertfordshire Single Point of Access (SPA) due to a concern that they had an unmet mental health need. As above, unless the adult is deemed to lack mental capacity they must consent to this referral.
- 2 adults were referred to the Prevent Channel panel due to concerns that they were potential victims of radicalisation. Adults have to provide consent to be referred for support if they are deemed to be at risk of radicalisation.
- 7 children were referred to social care because a decision was made that their parent/carer was intentionally homeless. This referral is automatic when a family is deemed to be intentionally homeless and children are present in the household.
- In addition, officers logged concerns about 8 children and 19 adults that did not meet the threshold for a concern. Early help will have been offered to individuals or families and/or referrals made to other agencies who can offer early intervention and support. All concerns are logged in a central database, allowing us to cross reference new concerns and make a referral if and when the threshold is reached.
- The number of total referrals made by the Council has steadily risen over the last 5 years. Across the same period, referral rates into social care have remained fairly static and fluctuate up and down between quarters. Developments at the Council such as a central database of all referrals, corporate safeguarding training and numerous awareness raising campaigns have likely resulted in both an increased awareness and confidence amongst staff as well as improved corporate oversight about the safeguarding actions undertaken across the organisation. This has resulted in a greater number of recorded referrals.

8.2 The following data is intended to provide context on the prevalence of safeguarding cases in Hertfordshire, using the most current and relevant data available. When District ranking is shown, 1st indicates the District with the highest prevalence and 10th indicates the lowest.

- At the end of 2017, North Hertfordshire ranked 5/10 in the Hertfordshire Districts for the rate of domestic abuse notifications where children were present. The figures for the District as a whole have fluctuated between 90 to 149 notifications per quarter. These statistics include referrals made by all agencies as well as members of the public.
- At the end of 2017, North Hertfordshire ranked 7/10 in the Hertfordshire Districts for numbers of children's social care referrals (1/10 representing the District with the lowest referral rate). The figures for the District as a whole have fluctuated between 91 to 150 referrals per quarter. These statistics include referrals made by all agencies into children's social care as well as members of the public.
- At the end of 2017, 533 children in Hertfordshire were subject to a child protection plan. This figure has been steadily reducing.
- The most recent quarterly data from the Hertfordshire Safeguarding Adults Board reported 1977 adults across Hertfordshire were referred for safeguarding concerns. This resulted in 1296 enquiries being pursued. In the case of the remaining 681 adults referred, they were deemed not to meet the threshold for an enquiry.
- During the same quarter, North Hertfordshire as a whole ranked 3/10 for safeguarding referrals for adults, at a rate of 65 referrals per 10,000 population.

8.3 Actions completed April 2017 to March 2018:

- Following a corporate learning needs analysis, all posts have been assessed as to the level of safeguarding training required for both adults at risk and children.
- Level one and two safeguarding training has been delivered to all relevant officers.
- Mental Capacity Act training was delivered to all Designated Safeguarding Officers and housing staff to support staff to determine when an adult has the capacity to refuse consent for a safeguarding referral.
- The Safeguarding Children and Adults e-learning package has been updated. The Senior Management Team designated this as essential for all staff.
- A Domestic Abuse policy and referral procedure has been published alongside a dedicated information page on the intranet.
- All Designated Safeguarding Officers received training from Operation Tropic on Modern Day Slavery and Human Trafficking.
- Improvements have been made to simplify the referral process for housing staff to avoid duplication of forms.
- The Safeguarding Support Officer now attends the corporate induction to give a safeguarding briefing to all new starters.
- Representation has been maintained at the Hertfordshire District Safeguarding group which brings together all ten districts and the adults and children's boards.
- The Corporate Safeguarding group continues to meet twice a year.
- An annual compliance audit was completed for the Hertfordshire Safeguarding Adults Board.

- An annual compliance audit of our learning and development opportunities was completed for the Hertfordshire Safeguarding Children's Board.
- Following a recommendation from the adult board, statements were added to the job description of every Designated Safeguarding Officer and an action added to their Regular Performance Review.

8.4 Work planned for April 2018 to March 2019 (some already completed):

- A corporate action plan (appendix A) is to be published outlining the Council's approach to addressing Modern Day Slavery. Actions include mandatory e-learning or awareness training for all staff. These opportunities have also been offered to all members. *(Action now completed)*
- Continued attendance at the Hertfordshire District Safeguarding Group and Local Multi Agency Safeguarding Forums.
- Continued delivery of corporate safeguarding learning and development programme to ensure all new starters receive a corporate induction briefing, a learning needs assessment and the relevant level of training.
- Continued maintenance of the corporate safeguarding database, including responses to Section 17 and 47 enquiries for children and information sharing requests for adults.

9. LEGAL IMPLICATIONS

- 9.1 The Council's Constitution at paragraph 6.2.7(y) 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 (LSBC's) will be 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. Hertfordshire is currently undergoing a transition with the LSCB still in operation. However plans to establish a Multi agency Safeguarding Arrangement (MASA) are underway and we await detail as to how District Council's will be involved in this.

- 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 Districts 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.

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.

- 9.6 In respect of modern day slavery, the Modern Slavery Act 2015 places two specific duties on local authorities under sections 43 and 52 of the Act, to co-operate with the Independent Anti-slavery Commissioner and a duty to identify and refer victims through to the National Referral Mechanism, or Home Secretary (for non-consenting adult victim situations), respectively. Modern day 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 funding for all levels of safeguarding training. 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, domestic abuse which may in future place additional pressure on learning and development budgets. In addition, we continue to source training opportunities that are provided free of charge by partners such as Hertfordshire Constabulary.
- 10.2 There are no capital implications.

11. RISK IMPLICATIONS

- 11.1 Progress on implementing and reviewing "Policies for Safeguarding Children and Safeguarding Adults at Risk of Harm" is assessed on the risk register via risk entry RR278. The latest assessment of the identified risks, completed in March 2018, scored the Impact as being "High" but the Likelihood as being "Low".
- 11.2 NHDC's safeguarding policies and procedures outline the various steps taken by the Council to reduce the risk to employees, children and adults at risk 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 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” policy do not apply to this report.

14. HUMAN RESOURCE IMPLICATIONS

- 14.1 The Human Resources role in safeguarding is, in the main, covered by processes contained in the Recruitment and Selection Policy and the Disclosure Barring Service Employment Checks Policy. HR also assist with learning and development and there are no additional human resource implications to this report.

15. APPENDICES

Appendix A – Modern Day Slavery Action Plan 2018-2021

16. CONTACT OFFICERS

16.1 Helen Rae, Community Health and Wellbeing Team leader
helen.rae@north-herts.gov.uk; ext 4333

Gemma Mitchell, Safeguarding Support Officer
Gemma.mitchell@north-herts.gov.uk; ext 4560

Reuben Ayavoo, Senior Policy Officer
Reuben.ayavoo@north-herts.gov.uk; ext 4212

Anne Miller, Group Accountant
Anne.miller@north-herts.gov.uk; ext 4332

Tim Everitt, Performance and Risk Officer
Tim.everitt@north-herts.gov.uk; ext 4646

Kerry Shorrocks, Corporate Human Resources Manager
kerry.shorrocks@north-herts.gov.uk; ext 4224

James Ellis, Advisory and Litigation Lawyer
james.ellis@north-herts.gov.uk; ext 4319

Jeanette Thompson, Service Director – Legal & Community
Jeanette.thompson@north-herts.gov.uk; ext 4370

17. BACKGROUND PAPERS

None

Appendix A: North Herts District Council Modern Day Slavery Action Plan 2018-2021

ACTION & EXPECTED OUTCOME	TIME FRAME	LEAD
<p>MONITORING AND REPORTING To have an effective corporate monitoring and reporting process</p>		
<p>Corporate Safeguarding Group (CSG) to oversee and monitor compliance with modern day slavery and human trafficking duties (MDS) requirements and report / make recommendations to Community Safety Manager/ Service Director: Legal & Community on proposed changes. Decision then taken as to reporting through to Senior Management Team (SMT) and other relevant Council body.</p> <p>To include within Annual Safeguarding report to Overview & Scrutiny Committee.</p>	Ongoing	Corporate Safeguarding Group/ Community Safety Manager/ Community Health and Wellbeing Team Leader /Service Director: Legal & Community
<p>POLICY AND PROCESS To ensure that legal duties are met and where relevant reflected/ embedded in other corporate policies/ procedures and guidance. Support of victims.</p>		
<p>Incorporate modern slavery requirements in Safeguarding Policy.</p>	Safeguarding Policy by October 2018 Other relevant policies: by October 2019	Community Safety Manager/ Community Health and Wellbeing Team Leader / Senior Policy Officer
<ul style="list-style-type: none"> • Development of MDS guidance notes. • Development of MDS procedure notes for reporting and referral process. • Centralised log of all NRM or MS1 referrals established. • Monitoring of NRM / MS1 forms. • Inclusion in annual Safeguarding report/ and any audits. • Amend Safeguarding intranet page to include MDS. 	By September 2018	Community Health and Wellbeing Team Leader / Safeguarding Support Officer
<p>Update procurement and contract procedure rules to ensure, where possible, MDS applicable and compliant (to obtain assurance for MDA compliance for relevant contracts).</p> <p>.</p>	By December 2018	Contract Procurement Group/ Contract and Procurement Lawyer and Procurement Officer

<p>The Homelessness and Housing Advice Manager to provide potential victims of MDS with advice on their housing options (including homelessness services) and to signpost to other specialist support agencies as appropriate.</p> <p>The Homelessness and Housing Advice Manager will support the police and partners in Operation Tropic activities through the provision of an on-site housing options service (including homelessness advice), as required.</p>	Ongoing	Strategic Housing Manager
<p>COMMUNICATION AND TRAINING To ensure that employee and Members are aware</p>		
<ul style="list-style-type: none"> • Senior Management Training; • Senior Management Team endorsement of Action Plan • Member awareness through MIS and invites to training sessions; • Staff Briefing and Anti-Slavery awareness day (18 October 2018) • Support of annual Anti-Slavery 18 October: <ul style="list-style-type: none"> – internal: information on intranet, Insight/ again raising awareness and highlighting forthcoming briefing training sessions – external: Communications raising using social media to raise public awareness • Senior Management Group external trainer; • Regular awareness sessions for the Corporate Safeguarding Group. • Embed (where possible) in compulsory staff training modules/ delivery. Staff training – series of 1 hour briefing sessions with external trainer (e.g. police) for those staff identified to be arranged for end of October and end of November (new staff to do e-learning, and to be monitored by CSG). 	<p>August 2018 2 October 2018 12 October 2018 17 October 2018 (& repeat 18 October annually)</p> <p>24 October 2018</p> <p>End October/ early November and ongoing</p>	<p>Community Safety Manager/ Safeguarding Support Officer Communications team</p> <p>Safeguarding Support Officer/ Learning & Development officers</p>
<p>PARTNERS To ensure links between partner organisations</p>		
<p>To work with Hertfordshire Modern Slavery Partnership</p> <p>To work with the North Herts Community Safety Partnership.</p>	Ongoing	Community Safety Manager/ Chief Executive