

OVERVIEW AND SCRUTINY COMMITTEE
17 SEPTEMBER 2019

PUBLIC DOCUMENT

TITLE OF REPORT: ANNUAL REVIEW OF SAFEGUARDING CHILDREN AND ADULTS AT RISK (2018-19)

REPORT OF THE COMMUNITY HEALTH AND WELLBEING TEAM LEADER

EXECUTIVE MEMBER: EXECUTIVE MEMBER FOR COMMUNITY ENGAGEMENT

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

- 4.1 None applicable.

5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS

- 5.1 The Executive Member for Community Engagement 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 at 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 further proceedings 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 2018 and March 2019 the Council made 148 referrals to agencies, concerning 202 individuals, where there was a safeguarding concern, an increase from 114 (about 30%) in 2017/18. Children living in the same household would be referred as a single referral, hence the discrepancy between the number of referrals and the number of individuals.

- 8.1.1 Seventy two children were referred to social care due to concerns that they were experiencing abuse. These involved 37 different families and involved a mixture of suspected physical, emotional and sexual abuse, gang violence, homelessness and concerns of neglect.
- 8.1.2 Six referrals were made to the Hertfordshire Multi Agency Risk Assessment Conference (MARAC) concerning individuals at the highest risk from domestic violence. Four referrals made to the Hertfordshire Independent Domestic Violence Advisor (IDVA) concerning individuals at medium risk from domestic violence. In all ten cases no children were present in the household. In cases where domestic abuse is evident but the current risk level is assessed as low or the individual does not want to be referred, advice and guidance is given about organisations that can offer victim support such as Herts Sunflower.
- 8.1.3 Thirty five 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. 19 different families were affected. 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.
- 8.1.4 Seventy eight 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.
- 8.1.5 Eight 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. The SPA will also deal with any associated safeguarding concerns.
- 8.1.6 No referrals were made to the Prevent Channel panel due to concerns around radicalisation. Adults have to provide consent to be referred for support if they are deemed to be at risk of radicalisation.
- 8.1.7 Three 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.
- 8.1.8 In addition, officers logged concerns about 10 children and 27 adults that did not meet the threshold for a referral. Early help will have been offered to individuals or families and/or referrals made to other agencies who can offer early intervention and support. These could include Homestart, Hertswise, Citizens Advice and Herts Independent Living Services amongst others. 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.

8.1.9 The number of total referrals made by the Council has steadily risen over the last five 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 adult 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 2018/19, North Herts ranked 4th out of the ten District/Boroughs in Hertfordshire with 105 adult safeguarding concerns reported per 10,000 population. Stevenage ranked 1st with 122 concerns per 10k population and Broxbourne 10th with 87 concerns per 10k population. Comparative figures for 2017/18 were not available from the board. These figures combine concerns received by Hertfordshire County Council and the Hertfordshire Partnership Found Trust (HPFT) who respond to safeguarding where a mental health concern is also present.
- Equivalent data was requested from the Hertfordshire Safeguarding Children Partnership but not provided.

8.3 **Actions completed April 2018 to March 2019:**

- 8.3.1 Basic, level one and two safeguarding training has been delivered to all officers. Three Councillors have attended safeguarding training offered by the Council since 2014.
- 8.3.2 Representation has been maintained at the Hertfordshire District Safeguarding group which brings together all ten districts and the adults board and children's partnership.
- 8.3.3 The Corporate Safeguarding group continues to meet twice a year.
- 8.3.4 Continued attendance at the Hertfordshire District Safeguarding Group and Learning Hubs, formerly known as Local Multi Agency Safeguarding Forums.
- 8.3.5 Continued delivery of corporate safeguarding learning and development programme to ensure all new starters first day information sheet and learning needs analysis, a corporate induction briefing and the relevant level of training.

- 8.3.6 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.
- 8.3.7 Completed annual audit from the Hertfordshire Safeguarding Adults Board (see action plan in appendix A). Our audit results were highly commended by the board as the most comprehensive District/Borough response. An action plan was produced identifying actions to encourage safeguarding training for members, introduce corporate procedures for recruitment and management of volunteers and update officer training on Modern Slavery, County Lines and Prevent.
- 8.3.8 Corporate training on modern slavery was completed by all officers and offered to Councillors. This has now been incorporated into our safeguarding e-learning.
- 8.3.9 Staff e-survey circulated to assess knowledge of child safeguarding procedures. 42% staff completed the survey which identified 95% of staff knew who to report safeguarding concerns to and where to find information to help them with safeguarding, the best response from all the District/Boroughs in Hertfordshire.
- 8.3.10 Modern Slavery Action Plan agreed and implemented (as at July 2019 – presented to Cabinet - [CLICK HERE](#)). Note that this has been updated to include subsequent actions (see below).

8.4 Work planned for April 2019 to March 2020 (some already completed):

- 8.4.1 Presentations to senior managers on County Lines and Prevent scheduled for September 2019 to be followed by corporate awareness raising activity via the intranet / Insight.
- 8.4.2 Modern Day Slavery Transparency statement to be completed and taken to Cabinet / Council. *(Action completed June/July 2019 – key performance indicators to be presented to Cabinet annually and then included in this report in future years).*
- 8.4.3 The Council is a signatory to the Charter against Modern Slavery as per Full Council's resolution from 11 July 2019. Note that reports regarding implementation of this (and any Transparency Actions outcomes) shall be reported in the first year firstly to Cabinet in June 2020 as part of the annual monitoring and incorporated into the Annual Safeguarding report annually after that.
- 8.4.4 Continue to carry out any ongoing or outstanding actions from the Modern Day Slavery Action Plan.

- 8.4.5 Newly presented separate policies for safeguarding children and safeguarding adults at risk to be finalised.
- 8.4.6 Completion of guidance documents for services utilising volunteers.
- 8.4.7 Corporate safeguarding e-learning programme to be expanded to include Modern Slavery and County Lines.
- 8.4.8 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.
- 8.4.9 Staff e-survey to assess adult safeguarding knowledge due to be completed.
- 8.4.10 To review the Council's strategy concerning the Prevent duty

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 (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, lead by the local authority, police and health with partnership engagement from other organisations including the District and Borough Council's.
- 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 (see 8.5 above).
- 9.7 Section 26 of the Counter Terrorism and Security Act 2015 places a duty on local authorities to have due regard to the need to prevent people from being drawn into terrorism. As per 9.6 this area also falls within the over-arching area of safeguarding and will be reported through to the Overview & Scrutiny Committee as part of the annual report accordingly (see 8.5 above).

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 2019, 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

- 15.1 Appendix A – Hertfordshire Safeguarding Adults board audit action plan

16. CONTACT OFFICERS

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17. BACKGROUND PAPERS

17.1 None