

SWTSafeguard
Revision: 01
Revision Date: December 2020

The logo for Somerset West and Taunton, featuring the text "Somerset West and Taunton" in white, bold, sans-serif font, set against a teal background with a white curved graphic element on the right side.

**Somerset West
and Taunton**

SAFEGUARDING POLICY

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Somerset West and Taunton Council Safeguarding Policy – December 2020

1.0 Introduction

- 1.1 Somerset West and Taunton Council believes that all children, young people and adults have the right to be safe, happy and healthy and deserve protection from abuse. The council is committed to safeguarding from harm all children, young people and adults with care and support needs (see definition in point 3.1 relating to the Care Act 2014) using any council services and involved in any of their activities, and to treat them with respect during their dealings with the councils, our partners and contractors.
- 1.2 We aim to act as an exemplar of safeguarding practice providing strong leadership and improving safeguarding standards through having a robust safeguarding policy and monitoring system.
- 1.3 It is important to note that it is not the responsibility of the Council to decide whether or not abuse has taken place. However, it is the responsibility of all individuals within the Council to take action by reporting their concerns in accordance with this Policy to the appropriate agencies.

2.0 Aims of the Policy

2.1 The aims of the policy are to:

- Ensure that children and adults at risk are protected within the facilities, services and activities under the direct remit and control of the Council.
- To ensure that the welfare of children and adults at risk are of paramount importance, regardless of age, race, social class, gender, culture, religious belief, ability or sexual identity when planning, organising, advising on and delivering activities and services.
- To respond swiftly and appropriately to all suspicions or allegations of abuse, and to ensure confidential information is restricted to the appropriate external agencies
- Establish the roles and responsibilities of all parties within scope of the policy.
- Minimise chances of abuse through effective Council recruitment and selection procedures.
- Have procedures in place for dealing with concerns through the process of timely and appropriate reporting of issues to Somerset County Council.
- Support the promotion of a safe working environment and a culture of care in which the rights of all children, young people and adults with care and support needs are protected and respected.

- Promote best practice in how employees, elected members and associated workers interact with children, young people and adults with care and support needs while providing Council services.
- Develop clear guidance and procedures for those employees, elected members and associated workers and ensure through training and support that they are aware of these and able to implement them.
- Provide a framework for developing partnerships with appropriate external bodies e.g. Teams Around Schools to ensure that the policy continues to reflect legal and best practice requirements in respect of the responsibility of care of children, young people and adults with care and support needs.

3.0 Scope of the Policy

3.1 The policy is in respect of District Council's responsibility towards:

Children and Young People are defined as up to and including the age of **17** (including unborn babies), once an individual passes their 18th birthday, they are an adult in this legal context. An extension of this age exists in terms of some service provision for children who are disabled and for those in local authority care settings.

An **Adult at Risk** is an adult who

- has needs for care and support (whether or not the local authority is meeting any of those needs such as elderly and frail due to ill health, physical disability or cognitive impairment, or someone with a learning disability or has a physical disability, or mental health needs including dementia or a personality disorder, or a person who misuses substances or alcohol),and;
- is experiencing, or is at risk of, abuse or neglect, and;
- as a result of those care and support needs is unable to protect themselves from either the risk of, or the experience of abuse or neglect.

(Safeguarding Adults Multi-Agency Policy, March 2015)

Further information on safeguarding adults and the types and indicators of abuse, can be found at: <https://www.scie.org.uk/publications/ata glance/69-adults-safeguarding-types-andindicators-of-abuse.asp>

- The employees of the council who have dealings with children, young people and adults with care and support needs and who are required to act in a position of trust and to act responsibly and within the law.
- The employees and elected members of the council who, while not required to act in a position of trust, will come into contact with members of these groups on a regular basis during the course of their work.
- Volunteers and other workers involved in the provision of council services but not employed by the council, including workers in organisations with whom the council has contracts for the delivery of services.

3.2 It covers all the functions and services of the council, its elected members, staff, partners and contractors.

- 3.3 This document is primarily concerned with protecting children, young people and adults with care and support needs from harm and providing guidance on how to deal with issues. However it is important to remember that safeguarding has a wider meaning which includes the promotion of welfare and taking action to enable all children, young people and adults with care and support needs to have the best life outcomes.
- 3.4 The policy does not cover health and safety issues related to safeguarding children such as use of play equipment or provision of food at events. Separate guidance on this and appropriate behaviours when dealing with children and adults with care and support needs, should be read in conjunction with this policy.

4.0 Legal Framework

- 4.1 This policy is based on Somerset West and Taunton Council's responsibilities under:
- 4.1.1 The Care Act 2014 in particular Sections 42 to 46 related to safeguarding, further information can be found at:
<http://www.legislation.gov.uk/ukpga/2014/23/contents/enacted>
- 4.1.2 The Children Act 2004, specifically Section 11 which places a duty on key people and public bodies, including district councils, to make arrangements to ensure that their functions are discharged with regard to the need to safeguard and promote the welfare of children. Further information can be found at:
<http://www.legislation.gov.uk/ukpga/2004/31/contents>
- 4.1.3 The Counter Terrorism Act 2015 section 26 which places a duty on certain bodies, in the exercise of their functions, to have due regard to the need to prevent people from being drawn into terrorism. The Prevent Agenda is one of four strands which makes up the Governments counterterrorism strategy. Further information can be found at: <http://www.legislation.gov.uk/ukpga/2015/6/contents>
- 4.1.4 The Modern Slavery Act 2015. Further information can be found at:
<http://www.legislation.gov.uk/ukpga/2015/30/contents/enacted>
- 4.1.5 The Anti-Social Behaviour, Crime and Policing Act 2014 in particular Part 10 relating to forced marriage. Further information can be found at:
<http://www.legislation.gov.uk/ukpga/2014/12/contents/enacted>
- 4.1.6 The Serious Crime Act 2015 particularly Part 5 relating to female genital mutilation, child cruelty and domestic abuse. Further information can be found at:
<http://www.legislation.gov.uk/ukpga/2015/9/contents/enacted>

5.0 Roles and Responsibilities

- 5.1 Responsibility for the implementation of this policy lies at all levels of the council.
- 5.2 Members

- 5.2.1 Elected members are collectively responsible for ensuring that the council has a policy, which adequately provides protection for children and adults with care and support needs in receipt of its services and for the regular review of this policy in the light of changes to legislation or regulation.
- 5.2.2 Each Somerset West and Taunton Councillor has the personal responsibility to comply with the policy.
- 5.2.3 Elected Members should report any concerns to the Corporate Safeguarding Lead or Corporate Safeguarding Officer or Safeguarding representative.
- 5.2.4 **The Portfolio Holder for Community has lead responsibility for safeguarding.**

5.3 Officers

- 5.3.1 All employees and particularly those working with children and adults with care and support needs are responsible for:
- Ensuring that they have completed all relevant training in relation to safeguarding
 - Ensuring that they are familiar with and understand the policies and procedures relating to their work with or in the vicinity of children and adults with care and support needs.
 - Ensuring that they feel confident in working within this environment and working with their managers to ensure that they have the knowledge and skills to carry out their tasks in this context.
 - Treating all those children and adults with whom they come into contact while carrying out their work equally and with respect.
 - Any staff who have a safeguarding concern should in the first instance discuss the matter with any one of the Safeguarding Representatives who will make a decision whether or not to refer the matter to the appropriate external organisation. A suite of supporting procedural documents is made available to all staff on the council's Sharepoint site.
 - Taking personal responsibility for their own welfare related to distressing or difficult disclosure of case outcomes and engaging in appropriate levels of support as required by the situation or the organisation.
- 5.4 The Senior Management Team (SMT) is required to ensure good governance of the organisation and has responsibility to make sure this policy is consistently applied and taken into account when setting strategic direction and reviewing performance.
- 5.4.1 Members of **SMT** are also responsible for:
- Ensuring that all necessary procedures and practices are in place to provide adequate protection both for the individuals in these groups but also protection for the employees involved with them.

- Ensuring that the procurement framework for the authority includes expectations upon contractors to demonstrate effective safeguarding practices for all their staff.

5.5 The **Corporate Safeguarding Lead (Assistant Director for Housing)** is responsible for:

- Ensuring that the Council has a robust Safeguarding Policy and Procedure in place
- Overseeing and ensuring that Safeguarding incidents are escalated and responded to in an appropriate and timely manner.
- Receiving allegations where there is a concern for the welfare of a child or adult at risk where an allegation has been made against a representative of the Council.
- This officer will also champion the safeguarding of children and adults at risk within the organisation and in partnership working with external agencies.
- Ensuring that proper records are kept of any incidents occurring within their service and that these are held securely and/or passed on to the Council's Human Resources team if the incident involves an employee.
- Ensuring that employees, volunteers and other workers dealing with these groups are adequately trained and aware of their responsibilities in this area.
- Ensuring that external contractors delivering council services are aware of the council's expectation that workers are aware of and abide by the standards of behaviour expected of council employees.
- Ensuring that any evidence or complaint of abuse or lack of care is reported to the appropriate body e.g. Somerset County Council Local Authority Designated Officer (LADO), Safeguarding Board or the Police, and to council's Human Resources team where employees, volunteers and contractors are involved and to the Monitoring Officer where elected members are involved.
- Ensuring that employees and others do not work with children or adults with care and support needs on regulated activities without an appropriate Disclosure & Barring Service (DBS) disclosure.
- Working with other associated agencies to ensure the proper transfer of information relating to dealings with children and adults with care and support needs, where necessary.
- Ensuring that adequate supervision and support is available to those who have been directly involved in dealing with safeguarding cases, including a debrief of the case and any relevant outcomes.

5.6 The **Corporate Safeguarding Officer (Community Resilience Manager)** is responsible for:

- Coordinating the implementation of the policy and providing a single point of contact.
- Recommending to the Safeguarding Lead and SMT new/revised policies and procedures, so that the Council can safeguard children and adults in accordance with its legal obligations.
- Developing and implementing a performance framework and reporting on the Council's safeguarding performance to Committee.
- Promoting the policy within the Council.
- Procuring and directly providing training, so that officers can undertake their safeguarding roles successfully and efficiently.
- Ensuring there is a secure central record relating to allegations and investigations.
- Working with other district authorities to share best practice and create a shared culture for Somerset.
- Advocating the importance of safeguarding to partners, contractors and customers
- Ensuring all safeguarding policies, procedures and guidelines are implemented and promoted
- In addition the Corporate Safeguarding Officer chairs a Safeguarding Representatives Group made up of a number of staff across the different services of the council. This group will have an operational overview of safeguarding issues in service areas, together with actions that could be taken.

5.7 Safeguarding Representatives have responsibility for:

- Receiving concerns, discussing them with whoever has raised the concern and taking advice from the relevant partner agency/County Council service: this could include complex matters such as consent and whether parents/carers should be notified.
- Making a decision about how to proceed and whether to make a formal referral. If there is disagreement on the appropriate course of action to take then the corporate safeguarding officer has the final decision. Where staff are dissatisfied with the decision of the corporate safeguarding officer, they should report their concerns to their line manager in the first instance and can still make a referral if they have strong concerns.
- Ensuring the procedure is followed on such matters as making a referral, confidentiality and recording.
- Working with colleagues to improve practice across the organisation.

- In the event of an incident or query, should the corporate safeguarding officer not be available, staff should go straight to relevant Somerset County Council service. They can be supported by a senior manager but details of any incident must not be shared unless absolutely necessary.
- Attending appropriate courses and updating of knowledge regarding safeguarding legislation and case reviews.

5.8 **Service Managers** are responsible for:

- Ensuring that this Policy forms part of the day to day operating procedures and practices of the services for which they are responsible
- Ensuring that effective supervision, support and training is in place for staff.
- Ensuring that all staff in their Service area have completed the mandatory training module on Safeguarding

5.9 **Human Resources (People Business Partner)** is responsible for:

- Identifying those services and posts that are likely to have an involvement with children and adults with care and support needs, and undertaking an appropriate risk assessment of posts in respect of DBS disclosure requirements.
- Ensuring that those people appointed by them to the District Council, whose normal duties fall into the definition of Regulated Activity as defined in the Safeguarding Vulnerable Groups Act 2006 and amended by the Protection of Freedoms Act 2012, are subject to the appropriate level of DBS disclosure and are appropriately qualified and/or trained in working with these groups.
- Working with Service Managers in maintaining a record of those posts, requiring a DBS disclosure together with the level of disclosure required.
- Ensuring that recruitment procedures are robust and that information pertinent to working with these groups is obtained during the recruitment procedure.
- Ensuring that DBS Disclosures are carried out in compliance with legislation and DBS guidance.
- Supporting Service Managers in dealing with allegations of abuse or lack of care by staff.
- Referring information to the DBS and Local Authority Designated Officer (LADO) about employees who have been dismissed or removed from working with vulnerable groups (or would have been had they not left/resigned) as a result of a relevant caution/conviction, conduct that has harmed or put a child/vulnerable adult at risk of harm.

5.10 Volunteers, contractors, suppliers and consultants and other workers are responsible for:

- Working with employees of the council, to the same standard, in ensuring the safety and wellbeing of children and adults with care and support needs within their scope.
- Participating in any training or development opportunities offered to them to improve their knowledge of skills in this area.

A requirement to comply with equality legislation will be included in all contracts and service level/delivery agreements. Failure to comply may lead to the termination of contracts. Organisations doing business with us are welcome to adopt our safeguarding policy for their own use.

6.0 Policy and procedure

6.1 Responsibility for the maintenance and implementation of this policy is that of the Corporate Safeguarding Lead who has overall responsibility for the organisation's safeguarding arrangements.

6.2 This policy and the related guidance will be reviewed annually or sooner if required whenever there is a change in the related legislation or an emerging risk is identified. This will include an on-going review of guidance, both nationally and locally, to ensure the Council meets its requirements to safeguard children, young people and adults, and there are appropriate procedures and protocols in place.

6.3 This policy should also be used in conjunction with the following documents:

- Safeguarding children and vulnerable adults procedures
- Disciplinary Procedure
- Grievance Procedure
- Whistle Blowing Policy
- IT Acceptable Use Policy
- Equality and Diversity Policy
- Complaints & Feedback Procedure
- Dignity at Work Policy
- Health & Safety at Work guidance
- Disclosure & Barring Policy

6.4 Policy and Procedures that directly link here are:

- Domestic abuse (related policy)
- Response to suicide threats (procedure)
- Child Sexual Exploitation (procedure)
- County lines and cuckooing (procedure)
- Prevent (procedure)
- Human Trafficking and Slavery (published statement and procedure)
- FGM and honour-based violence (procedure)
- Early Help assessment for children (policy and procedure)
- Referral for care and support needs assessment for vulnerable adults (policy and procedure)

- Guidance to working with children and vulnerable adults (procedure)

7.0 Events and land hire

- 7.1 Any organisation who has lease agreements or regularly hire out or lease council facilities or open spaces, should have appropriate safeguarding procedures in place. They should also ensure any volunteer or employee that has unsupervised contact with children, young people or adults with care and support needs undertakes a DBS check.
- 7.2 A positive disclosure is a certificate that shows cautions, warnings or convictions. They may show spent convictions and also unspent convictions and for enhanced checks, they will also show information that a police force deems relevant to disclose based on the nature of the job that the individual will be undertaking. The organisation will be required to use a positive DBS Disclosure Decision Sheet to make an assessment about a volunteers' suitability to be named as the safeguarding representative for the event.
- 7.3 Any safeguarding concerns on council land should be reported to Corporate Safeguarding Officer or a Safeguarding Representative. (Not negating a need to call Police in a safeguarding emergency) Safeguarding Representatives are able to provide further advice and support to groups or organisations.

8.0 Grant applications

- 8.1 All organisations seeking funding from the Council are expected to have appropriate safeguarding policies and procedures in place according to the level and type of their activities. Such policies should include DBS checks for all employees and volunteers working with children, young people and adults with care and support needs. Evidence of these policies and procedures may be requested as part of the grant making process.
- 8.2 As a minimum, an organisation will be expected to have a policy statement or procedure relating to safeguarding. Commissioned, contracted or grant funded organisations with minimal contact with children, young people and vulnerable adults may wish to adopt the councils Safeguarding Policy and procedures if deemed suitable.

This policy will be reviewed annually to ensure that the policy meets its stated objectives and complies with legislative changes. Prior to release the reviewed policy will be formally agreed by Director of Housing at Somerset West and Taunton Council.

Name:.....

Position: Director of Housing

Date:.....

DOCUMENT HISTORY

Revision	Description of Changes	Date of Revision
01	First issue	2020