



Essential Reference Paper "B"

East Herts Council

Safeguarding Policy and Procedure Children, Young People and Adults at Risk

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1. Introduction

1.1 The council firmly believes that:

- children, young people and adults at risk have the right to be safe when using our services
- children, young people and adults at risk have a right to be protected from being hurt, mistreated or suffering abuse – in body or mind, regardless of age, race, disability, culture, sex or sexual orientation.

1.2 The council is committed to ensuring that the needs and interests of children, young people and adults at risk are considered by councillors, employees, volunteers and contractors in the provision of services and decision-making.

2. Policy Statement

2.1 The purpose of this policy is to safeguard and promote the welfare of children, young people and adults at risk, including by:

- respecting the rights, wishes, feelings and privacy of children, young people and adults at risk
- ensuring all employees understand the different forms abuse can take, how to identify them and how to act on their concerns
- taking any concern made by a councillor, employee, contractor or child/young person/adult at risk seriously and sensitively
- implementing effective procedures for recording, reporting and responding to any allegations, incidents or suspicions of abuse
- ensuring that contracted/commissioned and grant-funded services have safeguarding policies and procedures consistent with the council's commitment to the protection of children, young people and adults at risk

- encouraging safeguarding best practice at the council
 - ensuring that unsuitable people are prevented from working with children, young people and adults at risk through a robust recruitment process.
- 2.2 The policy helps the council ensure there is a clear and effective approach to safeguarding across the organisation and that all employees, councillors, volunteers and contractors delivering services directly by the council or on the council's behalf are aware of their legal obligations to safeguard children, young people and adults at risk.
- 2.3 This policy applies to all services within the scope of the council. In addition to all internal provision of services, it also applies to:
- outside organisations delivering services involving children, young people or adults at risk on behalf of the council
 - contractors
 - grant-funded organisations.
- 2.4 Safeguarding is not a practice that operates in isolation. The issues covered in this policy cut across every service and function that the council undertakes and so is embedded within the organisation and has direct links to other Human Resources policies and the council's Prevent Action Plan.
- 2.5 This policy is inclusive of all children, young people and adults at risk irrespective of their age, race or ethnicity, religion, disability, sex or sexual orientation.

3. Definitions and Types of Abuse

Definitions

- 3.1 The phrase 'children, young people and adults at risk' refers to:
- a **child** – anyone under the age of 18 years

- a **young person** – a person aged over 16 but under 18. Those aged 16-18 are included in the legal definition of a child
- an **adult at risk** –any person aged 18 or over who is or may be unable to take care of him or herself, or unable to protect him or herself against significant harm or serious exploitation. Vulnerability and risk may arise from:
 - a mental health problem or mental illness, including dementia
 - a physical disability
 - a sensory impairment
 - a learning disability
 - frailty
 - a temporary illness
 - old age

3.3 The term **parent** is used in the broadest sense to include parents, carers and guardians.

Types of abuse

3.4 Abuse can take a number of forms as listed in the table below.

Type of abuse	Explanation / examples
Physical abuse	Slapping, pushing, kicking, rough handling, twisting of limbs/ extremities, misuse of medication, or inappropriate sanctions or restraint
Sexual abuse	Non-contact abuse such as voyeurism, involvement in pornography. Sexual acts to which the vulnerable adult has not consented, could not consent or was pressured into consenting. Rape and sexual assault
Psychological and/or emotional abuse	Verbal assault or intimidation, deprivation of contact, threats of harm or abandonment, humiliation or blaming, overriding of consent, choices or wishes
Financial abuse	Theft, fraud, exploitation, and pressure often in connection with savings, wills, property, possessions or benefits

Neglect and/or acts of omission	Ignoring someone's medical or physical care needs, failure to provide access to appropriate health, social care or educational services, the withholding of the necessities of life, such as medication, adequate nutrition and heating
Discriminatory abuse	Discriminatory and oppressive attitudes based race gender, culture background, religion physical and/ or sensory impairment, sexual orientation or age
Institutional abuse, neglect and/or poor practice	Repeated and pervasive mistreatment and/or isolated incidents of poor or unsatisfactory professional practice
Self-neglect	Lack of self-care, including neglect of personal hygiene, nutrition and hydration, or health. Lack of care of a person's environment, including living in domestic squalor. Refusal of services such as care services, health assessments or interventions
Domestic Abuse	An incident or pattern of incidents of controlling, coercive or threatening behaviour, violence or abuse between those aged 16 or over who are or have been partners or family members regardless of gender or sexuality
Child Sexual Exploitation (CSE)	Exploitative situations, contexts and relationships where young people (under 18) receive 'something', for example affection, gifts, money, food, accommodation, drugs, alcohol, cigarettes, as a result of them performing, and/or another or others performing on them, sexual activities
Forced Marriage	Someone is coerced into marrying someone against their will. This may be by means of other types of abuse such as physical and/or emotional abuse
Honour Based Abuse	Violence and abuse in the name of honour, covering a variety of behaviours, mainly but not exclusively against females, where the person is being punished by their family and/or community for a perceived transgression against the 'honour' of the family or community, or is required to undergo certain activities or procedures in 'honour' of the family
Female Genital Mutilation (FGM)	A collective term used for illegal procedures, such as female circumcision, which include the partial or total removal of the external female genital organs, or injury to the female genital organs for a non-therapeutic reason
Modern Slavery	Being forced to work through mental or physical threat, owned or controlled by an 'employer' usually through mental or physical abuse or the threat of abuse, dehumanised and being treated as a commodity or bought and sold as 'property'

Human Trafficking	Someone is moved from one place to another for the purpose of exploitation, this could be through sexual exploitation, domestic servitude, forced labour, forced criminality or organ harvesting
Radicalisation	Typically tackled as part of the Government's Prevent programme, radicalisation is essentially a safeguarding issues. It covers incitement, whether face-to-face or through publications or the Internet, to promote or carry out acts of terrorism or extremist behaviour. This can covers all manner of political, religious or ideological positions

3.5 It is recognised that from time-to-time different risks to children, young people and vulnerable adults may emerge or different forms of abuse may become more prevalent. Also, different ways of identifying, reporting or tackling abuse may become available.

4. Roles and responsibilities

4.1 **Safeguarding is everyone's responsibility** so there are key roles and responsibilities for everyone:

- **Head of Housing and Health** – lead role for the council for promoting and addressing the safeguarding of children, young people and adults at risk
- **Human Resources** – supporting the promotion of the council's safeguarding duties and responsibilities, notably with regard to training and recruitment vetting
- all **Directors and Heads of Service** need to ensure contractors agree to comply with the council's Safeguarding Policy and where relevant have own policy and procedures in place
- **Councillors** – they are required to follow this policy including participating in safeguarding training and briefings. Not paying due attention to the Safeguarding Policy may be grounds for reporting their behaviour to the Standards Committee, which may require an investigation under the Councillors Code of Conduct. If a safeguarding issue occurs relating to a Councillor, the Head of Housing and Health

should contact the Monitoring Officer immediately.
Awareness training will be made available for councillors

- all **employees** of the council, and **contractors and volunteers** if so directed by the council, must adhere to best practice regarding safeguarding, including participating in relevant training, keeping as up-to-date as possible about how safeguarding issues particularly relate to their areas of work, reporting any disclosure, concern, incident or allegation to the appropriate agency
- **outside organisations** that deliver services involving children, young people and adults at risk on behalf of the council should comply with the council's Safeguarding Policy and, where relevant, to have their own policy and procedures in place.

4.2 The council participates fully in multi-agency groups and statutory Safeguarding Boards.

Herts Safeguarding Children's Board (HSCB)

4.3 The HSCB is a statutory multi-agency organisation formed by Hertfordshire County Council in line with Section 13 of The Children Act 2004. The organisation brings together agencies who work to safeguard and promote the welfare of children.

4.4 The objective of the HSCB is to co-ordinate what is done by each person or body represented on the board for the purposes of safeguarding and promoting the welfare of children and young people in the area of the authority by which it is established.

4.5 The council is committed to maintaining an effective working relationship with the HSCB to help achieve its mutual aims in respect of child safeguarding.

Herts Safeguarding Adults Board (HSAB)

4.6 The HSAB is an inter-agency forum for co-ordinating how the different services and professional groups should cooperate to safeguard adults at risk across Hertfordshire. It ensures that arrangements work effectively to identify abuse or inadequate

care, help vulnerable people and plan and implement joint preventative strategies.

- 4.7 The HSAB aims to raise awareness and promote the welfare of adults at risk by the development of an effective cooperative involving people from a wide range of public and voluntary services and other organisations. The council is committed to maintaining an effective working relationship with the HSAB to help achieve its mutual aims in respect of the safeguarding of adults at risk.

5. Recognising and responding to potential abuse

- 5.1 Even though councillors, employees, volunteers and contractors may have limited contact with children, young people and adults at risk as part of their duties and responsibilities for the council, everyone should be aware of the potential indicators of abuse and bullying and be clear about what to do if they have concerns.
- 5.2 It is not the responsibility of any councillor, employee or contractor to determine whether abuse is taking place. Concerns, incidents or allegations must be reported. The role of the councillor or employee is to refer the case to the appropriate person, not to investigate or make a judgement.
- 5.3 Where an employee is concerned about the **immediate** safety of a child, young person or adult at risk they should:
- call the Police on 999
 - call an Ambulance on 999 if the person needs urgent medical assistance.
- 5.4 Where an employee has concerns that a child, young person or adult at risk is being harmed or neglected, or is at risk of this, they should speak to the Head of Housing and Health.

6. If an Employee is Implicated

- 6.1 If it is suspected or reported that an employee is implicated in the abuse of a child, young person or adult at risk the council's Disciplinary policy will be followed.
- 6.2 An employee may be suspended from all duties or relevant duties with immediate effect pending investigations as outlined in the council's approved Disciplinary policy.
- 6.3 These allegations could potentially result in any of the following types of investigation: Disciplinary, Criminal or Child protection. Refer to the Disciplinary policy for the correct process.

7. Confidentiality

- 7.1 Employees have a duty to share information relating to suspected abuse with Hertfordshire County Council and Hertfordshire Police.
- 7.2 Employees must not:
 - discuss any allegations of abuse or bullying, substantiated or not, with anyone from the council other than their manager, the Head of Housing and Health or Human Resources
 - discuss any allegations of abuse or bullying, substantiated or not, with any member of an external agency (excluding Hertfordshire County Council and Hertfordshire Police), other than as part of a formal investigation
 - discuss any allegations of abuse or bullying, substantiated or not, with any other interested party, including parents, carers and relatives of the child, young person or adult at risk without the express permission of the person with overall responsibility for the investigation.
- 7.3 This does not exclude the employee from the need or right to consult with a trade union representative or solicitor/legal advisor.
- 7.4 Consent is not required to breach confidentiality and make a safeguarding referral where:

- a serious crime has been committed
- where the alleged perpetrator may go on to abuse other adults
- other vulnerable adults are at risk in some way
- the adult at risk is deemed to be in serious risk
- there is a statutory requirement such as Children’s Act 1989, Mental Health Act 1983, Care Standards Act 2000
- the public interest overrides the interest of the individual
- when an employee of a statutory service, a private or voluntary service or a volunteer is the person accused of abuse, malpractice or poor professional standards.

8. Data Protection

8.1 All copies of referrals relating to children, young people and adults at risk to Hertfordshire County Council should be retained by the Head of Housing and Health to ensure confidentiality. This information will be retained in accordance with data protection periods. No other copies should be kept.

9. Impacts of the Safeguarding Policy of specific elements of East Herts Council’s work

Homelessness

9.1 The council has a legal duty to provide temporary accommodation to individuals whose status and circumstances meet certain criteria as defined in the Housing Act 1996 as amended by the Homelessness Act 2002. Employees may need to refer families or individuals to Hertfordshire County Council outside of the safeguarding process, as follows:

Persons affected	Reason for contacting Hertfordshire County Council
Homeless 16-17 year olds	A 16 or 17 year old may be referred to Hertfordshire County Council for assessment to

	determine if they are a child in need with a duty owed to them by Hertfordshire County Council.
Intentionally homeless household with children	If a household with children is found to be intentionally homeless, Hertfordshire County Council should be advised in writing so that they can ascertain whether a duty is owed under the Children Act 1989.

- 9.2 If children, young people and/or adults at risk are placed in temporary accommodation while an assessment is carried out, housing officers should complete the Housing Options form with applicants. This helps to identify needs and vulnerabilities, and assists in the process of safeguarding children, young people and adults at risk.

Use of Contractors

- 9.3 Heads of Service, in consultation with the council's legal services, must take reasonable care that contractors doing work on the council's behalf are monitored appropriately.
- 9.4 Any contractor or sub-contractor engaged by the council in areas where workers are likely to come into regular contact with children, young people or adults at risk, should have its own equivalent child protection and adults at risk policies, or failing this, must comply with the terms of this policy. This requirement should be written into the contract.
- 9.5 Where contact with children, young people and adults at risk is a necessary part of the contracted service, it is the responsibility of the manager who is monitoring the services of the contractor to ensure that satisfactory Disclosure and Barring Service (DBS) checks have been completed where appropriate.

Grant Applications

- 9.6 Safeguarding policies and procedures are required from all grant funded organisations. In addition, satisfactory DBS checks may be required from appropriate individuals working with children, young people and adults at risk which seek

funding from the council. Such requirements are subject to relevant legislation including the 'regulated activity' criteria contained within the Protection of Freedoms Act 2012. This information will be requested at the application stage and applications will not be processed without the relevant documentation.

Licensing

- 9.10 The council is responsible for carrying out certain licensing functions. Protection of children from harm is a licensing objective that the council is legally obliged to consider as part of its licensing function, for example when licensing, though not limited to, premises under the Licensing Act 2003 or the Gambling Act 2005. This Safeguarding Policy should be referred to as appropriate when assessing licence applications.

Work Experience

- 9.11 The council may offer work experience placements across the organisation to a number of young people each year. This is beneficial to both the young person and to the council. When the organisation offers a work experience placement, managers have a responsibility for their health, safety and welfare. Under health and safety law, these students will be regarded as employees.

Photography

- 9.12 Councillors, employees and contractors who use cameras or film recorders for or on behalf of the council must have either completed media consent forms from the parents of children being photographed or filmed, or have checked with the parent or guardian, before the activity commences. When commissioning professional photographers or inviting the press to cover the organisation's services, events and activities, the council will ensure that expectations are made clear in relation to child protection.
- 9.13 There are some easy steps to take:
- check the credentials of any photographers and organisations used

- ensure identification is worn at all times
- do not allow unsupervised access to children or adults at risk including through one-to-one photographic sessions
- do not allow photographic sessions outside of the activities or services, or at a child's home
- it is recommended that the names of children or adults at risk should not be used in photographs or footage, unless with the express permission of the parent/carer of the child, young person or adult at risk.

9.14 Employees should contact the Communications Team for advice and a copy of the Media Consent Form before the activity commences.

10. Safeguarding Training

10.1 Safeguarding is a crucial way in which the contents of this policy are communicated to employees and councillors and volunteers and contractors as appropriate.

10.2 The council's induction programme for all **new employees** will include cover safeguarding issues and provide signposting information to key contacts and to the council's policy and training programme.

10.3 **All employees** will be required every three years to undertake a basic (level one) short awareness training session. This programme may be through an online programme for individuals or through 'bite-size' group training or other methods. The actual form of the training will be determined by Human Resources. Human Resources will co-ordinate and monitor the take up of this awareness raising programme to ensure corporate coverage and shall report to Leadership Team annually on take up levels: the target for take up will be 100% of those due to take part in safeguarding training in that year.

10.3 Specific or specialist training (level two) training shall be provided for all **employees who come into direct contact**

with children, young people and adults at risk as part of carrying out the requirements of their job.

- 10.4 The council will consult with the Hertfordshire Safeguarding Children Board and the Hertfordshire Safeguarding Adults Board about which categories of employees require specific training.

11. Safe Recruitment

- 11.1 The council is committed to taking all reasonable steps to prevent unsuitable people working with children, young people and adults at risk.
- 11.2 Disclosure and Barring Service (DBS) checks must be sought where employees and volunteers have substantial or regular or unsupervised contact with children, young people or adults at risk as part of their duties or responsibilities for or on behalf of the organisation.
- 11.3 DBS checks only guarantee that the person concerned does not have a relevant criminal conviction up to the date that the certificate is issued.

12.0 Key contact information

Any safeguarding concerns

- concerns and/or wish to discuss any aspect of safeguarding – contact Jonathan Geall, Head of Housing and Health, East Herts Council | e-mail: jonathan.geall@eastherts.gov.uk | tel: 01992 531594 | mobile: 07921 941239

Children and young people

- concerns and/or wish to raise an issue with Children's Services – contact Hertfordshire County Council Children's Services (including out of hours) 0300 123 4043. Children's Service may refer the case on to the Hertfordshire Multi-Agency Safeguarding Hub, MASH

- for further safeguarding support for a child, young person or adult at risk – contact the police calling 101 or check the FAQs www.herts.police.uk
- for signposting to the appropriate agencies for children and young people –
<http://www.hertsdirect.org/services/healthsoc/childfam/childprotection/>

Adults at risk

- to download an adult concern form –
<http://www.hertsdirect.org/your-council/hcc/healthcomservices/acspolicies/safeadults/>
- concerns and/or wish to raise an issue with Adult Care Services – contact Hertfordshire County Council Adult Care Services (including out of hours): 0300 123 4042
- if the adult at risk doesn't have a care worker – contact See & Solve (East) 01438 844344
- if the adult at risk is living in a registered care home or receiving domiciliary (home) care services – contact the Care Quality Commission (CQC) on 03000 616 161

13. Monitoring and policy review

13.1 Actions required under this policy will be regularly monitored, including via:

- external audits
- internal audits
- recording of employee training
- engagement with the Herts Safeguarding Boards
- review of the council's Strategic Risk Register.

13.2 The policy will be reviewed every three years or sooner if there are any changes in legislation or best practice requiring amendments to be made.