

# Safe Guarding Policy

East Herts Council

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<b>Contents</b>	<b>Page Number</b>
1 Introduction	3
2 Policy Statement	3
3 Definitions	4
4 Monitoring and Review Mechanisms	5
5 Role of the Herts Safeguarding Boards	5
6 Safeguarding Responsibilities	5
7 Councillors	6
8 Recognising Potential Abuse	6
9 Responding to a concern about a child or vulnerable adult	7
10 Where a member of staff is implicated	7
11 Confidentiality	7
12 Data Protection	8
13 Homelessness	8
14 Use of contractors	9
15 Grant Applications	9
16 Licensing	10
17 Photography and Pornography	10
18 Human Trafficking	11
19 Safeguarding Training	11
20 Safe Recruitment	11
21 Work Experience	12
22 Policy Review	12

**Appendix 1** employees identified for level 2 training

## **1 Introduction**

- 1.0 Children and vulnerable adults have the right to participate and be safe in accessing services provided for them. In addition, all children and vulnerable adults have a right to be protected from being hurt and mistreated, in body or mind, regardless of age, race, disability, culture, sex or sexual orientation. This includes having a right to protection from all forms of abuse. East Herts Council is committed to carrying out its responsibilities by ensuring that the needs and interests of children and vulnerable adults are considered by councillors, employees and contractors in the provision of services and in its decision-making.

## **2 Policy Statement**

- 2.0 The purpose of the policy is to help the Council meet its legal and moral obligations to safeguard and promote the welfare of children and vulnerable adults. East Herts Council performs various functions and delivers a wide range of services. This Policy aims to ensure that all of its activities take place within this context.

- 2.1 The Council will promote the welfare and protection of children and vulnerable adults by:

- Respecting the rights, wishes, feelings and privacy of children and vulnerable adults
- Ensuring that all staff understand the different forms abuse can take and how to identify them
- Responding appropriately and promptly to concerns reported
- Ensuring that employees understand the Council's Safeguarding Policy
- Ensuring that employees know who to report safeguarding concerns, incidents or allegations to
- Taking any concern made by a councillor, employee, contractor or child/vulnerable adult seriously and sensitively
- Ensuring that contracted/commissioned and grant-funded services have safeguarding policies and procedures consistent with the Council's commitment to the protection of children and vulnerable adults.
- Ensuring that training appropriate to the level of involvement with children and vulnerable adults is available for all employees
- Responding to any allegations appropriately and implementing the appropriate disciplinary and appeals procedures
- Implementing effective procedures for recording and reporting to the Council any allegations, incidents or suspicions of abuse

- Ensuring that all councillors and employees adhere to all appropriate safe working practices when working with children and vulnerable adults
- Encouraging safeguarding best practice at the Council
- Not tolerating harassment of any councillor, employee, contractor or child/vulnerable adult who raises concerns of abuse
- Ensuring that unsuitable people are prevented from working with children and vulnerable adults through a robust recruitment process

2.2 This policy applies to all services within the scope of East Herts Council. In addition to all internal provision of services, it also applies to:

- Outside organisations delivering services involving children or vulnerable adults on behalf of the Council
- Contractors
- Grant-funded organisations

### **3 Definitions**

3.1 The phrase 'children and vulnerable adults' refers to:

a) Anyone under the age of 18 years (a child).

b) Someone who is over the age of 18 who is, or may be in need of community care services for reasons of mental health, learning disability or other disability, age or illness and is, or may be, unable to take care of him/herself, or unable to protect him/herself against significant harm or exploitation (a vulnerable adult).

c) References to a 'young person' or to 'young people' mean a person aged over 16 but under 18. Those aged 16-18 are included in the legal definition of a child.

3.2 The term 'abuse' covers physical, emotional, sexual and neglect. For vulnerable adults, abuse can also be financial, discriminatory and institutional. The term 'parents' is used in the broadest sense to include parents, carers and guardians.

3.3 The term Member is interchangeable with councillor.

3.4 This policy is inclusive of all children and vulnerable adults irrespective of their age, race or ethnicity, religion, disability, sex or sexual orientation.

## **4 Monitoring and review mechanisms**

### 4.1 Monitoring mechanisms include:

- External audits (e.g. s.11)
- SIAS audits
- Recording of staff training
- Positive engagement with the Herts Safeguarding Boards

## **5 Role of The Herts Safeguarding Boards**

5.1 [Herts Safeguarding Children's Board \(HSCB\)](#) is a statutory multi-agency organisation. The organisation brings together agencies who work to safeguard and promote the welfare of children. Under Section 13 of The Children Act 2004, each children's services authority in England must establish a Local Safeguarding Children's Board (LSCB).

5.2 The objective of the LSCB 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 in the area of the authority by which it is established. East Herts Council is committed to maintaining an effective working relationship with the HSCB to help achieve its mutual aims in respect of child safeguarding.

5.3 [Herts Safeguarding Adults Board \(HSAB\)](#) is an Inter-agency forum for agreeing how the different services and professional groups should cooperate to safeguard vulnerable adults across Herts and for making sure that arrangements work effectively to identify abuse or inadequate care, help vulnerable people and plan and implement joint preventative strategies.

5.4 The HCAB aims to raise awareness and promote the welfare of vulnerable adults by the development of an effective cooperative involving people from a wide range of public and voluntary services and other organisations. East Herts Council is committed to maintaining an effective working relationship with the HCAB to help achieve its mutual aims in respect of the safeguarding of vulnerable adults.

## **6 Safeguarding Responsibilities**

6.1 Whilst safeguarding is everyone's responsibility, the Head of Communications, Engagement and Cultural Services has the lead role for the authority with support from Human Resources (training and recruitment vetting).

- 6.2 All employees and councillors should adhere to best practice, participating in relevant training and reporting any disclosure, concern, incident or allegation to the appropriate agency.
- 6.3 Outside organisations that deliver services involving children and vulnerable adults on behalf of East Herts Council should comply with East Herts Council's Safeguarding Policy and, where relevant, to have their own policy and procedures in place.
- 6.4 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.

## **7 Councillors**

- 7.1 Councillors are required to adhere to the Policy. If they do not, there may be grounds for reporting their behaviour to the Standards Committee, which may require an investigation under the Councillor Code of Conduct. If a safeguarding issue occurs relating to a Councillor, the Designated Officer informed of the breach should contact the Monitoring Officer immediately. Awareness training will be made available for councillors.

## **8 Recognising Potential Abuse**

- 8.1 Even though many Councillors, employees and contractors have limited contact with children and vulnerable adults as part of their duties and responsibilities for East Herts Council, everyone should be aware of the potential indicators of abuse and bullying and be clear about what to do if they have concerns.
- 8.2 There are four types of abuse that can affect children, young people and vulnerable adults: Physical, Neglect, Emotional and Sexual. In addition to these, vulnerable adults can also suffer from Financial, Discriminatory and Institutional abuse.
- 8.3 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.

## **9 Responding to a concern about a child or vulnerable adult**

9.1 Where a member of staff is concerned about the immediate safety of a child or vulnerable adult they should:

- Call the Police on 999
- Call an Ambulance on 999 if the person needs urgent medical assistance.

9.2 Where a member of staff has concerns that a child (being a person under 18) or vulnerable adult is being harmed or neglected, or is at risk of this, they should contact:

- Children's Services (including out of hours) 0300 123 4043
- The Child Abuse Investigation Unit – This is a specialist team that is a department within the police with county wide responsibility for undertaking child protection investigations 0845 3300222
- <http://www.hertsdirect.org/services/healthsoc/childfam/childprotection/>
- Call Adult Care Services (including out of hours): **0300 123 4042**
- If the vulnerable adult is living in a registered care home or receiving domiciliary (home) care services, you can contact the **Care Quality Commission (CQC) on 03000 616 161**

## **10 Where a member of staff is implicated**

10.1 If it is suspected or reported that a member of staff is implicated in the abuse of a child or vulnerable adult the Council's disciplinary policy will be followed.

10.2 The member of staff may be suspended from all duties or relevant duties with immediate effect pending investigations as outlined in the council's approved disciplinary policy.

10.3 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.

## **11 Confidentiality**

11.1 Employees have a duty to share information relating to suspected abuse with Hertfordshire County Council and Hertfordshire Police.

## 11.2 Employees must not:

- Discuss any allegations of abuse or bullying, substantiated or not, with anyone from East Herts Council other than with the Head of Communications, Engagement and Cultural Service 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 vulnerable adult without the express permission of the person with overall responsibility for the investigation.

11.3 This does not exclude the employee from the need or right to consult with a trade union representative or solicitor/legal advisor.

11.4 Consent is not required to breach confidentiality (capacity issues must be considered) 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 vulnerable adult 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 a member of staff of a statutory service, a private or voluntary service or a volunteer is the person accused of abuse, malpractice or poor professional standards.

## 12 Data Protection

12.1 All copies of Referrals to Hertfordshire County Council Direct should be retained by the Head of Communications, Engagement and Cultural Services to ensure confidentiality. This information will be retained in accordance with data protection periods. No other copies should be kept.

## 13 Homelessness

13.1 East Herts Council owes 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 homeless act 2002. Officers may need to refer families or individuals to Hertfordshire County Council outside of the safeguarding process, as follows:

<b>Persons affected</b>	<b>Reason for contacting Hertfordshire County Council</b>
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.

- 13.2 Children and vulnerable adults are placed in temporary accommodation while an assessment is carried out. Officers complete a detailed Housing Options form with applicants. This helps to identify needs and vulnerabilities, and assists in the process of safeguarding both children and vulnerable adults.

## **14 Use of Contractors**

- 14.1 Heads of service (in consultation with the Council's legal services) will take reasonable care that contractors doing work on its behalf are monitored appropriately. Any contractor or sub-contractor engaged by the Council in areas where workers are likely to come into regular contact with children or vulnerable adults, should have its own equivalent child protection and vulnerable adult policies, or failing this, must comply with the terms of this policy. This requirement will be written into the contract. Where contact with children and vulnerable adults 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.

## **15 Grant Applications**

- 15.1 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 and vulnerable adults 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.

- 15.2 As a minimum, any organisation receiving funding from the Council will be expected to have a statement of policy and procedure regarding safeguarding, in place and understood by employees and volunteers, and available to service users.

## **16 Licensing**

- 16.1 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, in particular when licensing premises under the Licensing Act 2003 or the Gambling Act 2005.

## **17 Photography and Pornography**

- 17.1 It is an unfortunate fact that some people have used children's events as opportunities to take inappropriate photographs or footage of children and young people. Councillors, employees and contractors should be vigilant at all times. Anyone using 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.

- 17.2 There are some easy steps to take:

1. Check credentials of any photographers and organisations used.
2. Ensure identification is worn at all times.
3. Do not allow unsupervised access to children or vulnerable adults including through one-to-one photographic sessions.
4. Do not allow photographic sessions outside of the activities or services, or at a child's home.
5. It is recommended that the names of children or vulnerable adults should not be used in photographs or footage, unless with the express permission of the parent/carer of the child, young person or vulnerable adult.

- 17.3 Council employees should contact the Communications Team for advice and a copy of the Media Consent Form before the activity commences.

## **18 Human Trafficking**

- 18.1 East Herts Council recognises that local authorities have specific responsibilities under the Council of Europe's 2006 'Declaration on the Fight against Trafficking of Human Beings' to which the UK is a signatory. Staff should discuss concerns they may have with the Designated Officer. Signs which may indicate Human Trafficking are available in Appendix 8, along with details of the United Kingdom Human Trafficking Centre (UKHTC) which is a national organisation that can provide advice. Additional information and guidance can be found on the Hub.

## **19 Safeguarding Training**

- 19.1 The Council's induction programme for all new staff will include reference and sign post to key contacts and to the Council's policy and training programme.

All staff will be required every three years to undertake a basic (level one) short awareness raising training session. This programme may be through an on-line 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 CMT annually on take up levels: the target for take up will be 100%.

- 19.2 Specific or specialist training (level two) training shall be provided for all employees who come into direct contact with children and vulnerable adults as part of carrying out the requirements of their job.
- 19.3 The Council will consult with the Hertfordshire Safeguarding Children Board and the Hertfordshire Safeguarding Adults Board on those categories of employees who have been identified as requiring specific training.
- 19.4 The list of roles/posts identified for level two training is attached at appendix 1.

## **20 Safe Recruitment**

- 20.1 East Herts Council is committed to taking all reasonable steps to prevent unsuitable people working with children and vulnerable adults.

- 20.2 Disclosure and Barring Service (DBS) checks are sought where employees and volunteers have substantial or regular or unsupervised contact with children, young people or vulnerable adults as part of their duties or responsibilities for or on behalf of the organisation.
- 20.3 DBS checks only guarantee that the person concerned does not have a relevant criminal conviction up to the date that the certificate is issued.

## **21 Work Experience**

- 21.1 East Herts 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.

## **22 Policy Review**

- 22.1 The Policy will be reviewed in two years or sooner if there are any changes in legislation or best practice requiring amendments to be made.

