

**BODY:** Cabinet

**DATE:** 9<sup>th</sup> December 2015

**SUBJECT:** Review of Safeguarding Children and Vulnerable Adult Policy

**REPORT OF:** Senior Head of Community

**Ward(s):** All

**Purpose:** To seek Members' agreement to the proposed revisions to the Council's Safeguarding Children and Vulnerable Adult Policy.

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**Recommendations:** Cabinet is recommended: (i) to note that a review of the Council's Safeguarding Children and Vulnerable Adult Policy has taken place and (ii) to delegate authority to the Senior Head of Community in consultation with the Lead Member for Direct Assistance Services to approve amendments to the policy, subject to consultation with the Local Safeguarding and Children's Board (LSCB) and the Safeguarding Adults Board (SAB).

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## **1.0 Introduction**

- 1.1 Under the Children Act 2004 Eastbourne Borough Council has a duty to cooperate to improve well-being and safeguard children and promote their welfare. The Working Together to Safeguard Children (DfES, 2006) guidance sets out how organisations and individuals should work together to safeguard and promote the welfare of children.
- 1.2 The role and responsibilities of local authority staff with responsibilities for children living or present in East and West Sussex and Brighton and Hove are set out in the Pan-Sussex Child Protection and Safeguarding Procedures Manual. This includes staff in district councils providing services to children and young people, such as housing and activities for young people. The manual covers key issues for Eastbourne Borough Council, notably on information sharing and confidentiality, referrals and reporting.
- 1.3 The Sussex Child Protection and Safeguarding Procedures Manual states:
- "Responsibility for the protection of children must be shared because*

*children are safeguarded only when all relevant agencies and individuals accept responsibility and co-operate with one another."*

This statement is intended to include Council staff, contracted agencies (voluntary and private) and elected members.

- 1.4 The Pan-Sussex Child Protection and Safeguarding Procedures Manual is updated every 6 months to take account of new legislation and guidance and learning from Serious Case Reviews. Recent updates take account of the Care Act 2014 and "Working Together to Safeguard Children" 2015.
- 1.5 The Care Act 2014 places Safeguarding Adults on a statutory footing. Part 1 of the Act covers responsibilities for Safeguarding and came into force on 1<sup>st</sup> April 2015. The Act is supported by "Care and Safeguarding Support Guidance" which replaces the "No Secrets" Guidance, 2000 and "Safeguarding Adults: A National Framework of Standards for Good Practice and Outcomes in Adult Protection Work", 2005.
- 1.6 The Sussex Multi-Agency Policy and Procedures set out local arrangements for raising and responding to concerns relating to the suspected abuse or neglect of adults.
- 1.7 Section 6 of the Care Act includes a requirement for cooperation between the Local Authority and each of its relevant partners to protect adults experiencing or at risk of abuse or neglect and to establish a Safeguarding Adults Board.
- 1.8 A review of Eastbourne Borough Council's policy and procedures has been carried out to ensure that these comply fully with the latest legislation and guidance. Reference has also been made to the current Lewes District Council Safeguarding Policy to ensure this aligns as closely as possible.
- 1.9 The re-modelling of staff roles and responsibilities under the Future Model has also necessitated a review of lines of responsibility, recruitment, induction and training procedures and arrangements for information recording, storage and sharing to ensure the Council meets the required standards and cooperates effectively with other agencies and in line with locally adopted procedures.

## **2.0 Summary of proposed amendments**

- 2.1 A review of the Council's policies and procedures for safeguarding children and adults has been carried out. A revised Safeguarding Policy has been developed and is presented at Appendix A.
- 2.2 A key amendment to the policy is the introduction of the role of Safeguarding Contacts. It is proposed that a minimum of five Team Leaders, Service Managers or Specialist Advisors are nominated to play a lead and supportive role in the identification, recording and reporting of safeguarding concerns. Between them, these Safeguarding Contacts will cover Customer Advice, Neighbourhood First, Specialist Advice – Housing, Sports and Events.

This in no way removes the responsibility on all staff for identifying

and reporting safeguarding issues, but is designed to strengthen the policy and procedures and provide a source of advice and support.

### 2.3 Other amendments incorporated in the policy cover:

- Clearer separation of policy and procedures. Some sections of the previous policy have been moved to Appendices as they relate more to guidance and procedures than to policy.
- More detail included on some aspects of policy
- Inclusion of a definition of a vulnerable adult
- Expanded Safeguarding Statement at section 3
- Inclusion of a list of the types of abuse and neglect that may arise and signs of abuse. This list incorporates different kinds of abuse and neglect highlighted in the Care Act 2014.
- More detail on the recruitment of all staff including the use of agency staff
- More detail on training for staff and members
- Updated information on reporting concerns based on current guidance and agreed pan-Sussex procedures.

### **3.0 Consultation**

3.1 The East Sussex Local Safeguarding and Children's Board and the East Sussex Safeguarding Adults Board will be consulted. Lewes District Council and Eastbourne Homes will also be asked for their views.

### **4.0 Resource Implications**

4.1 There are no significant financial or staffing resource implications arising from this recommendation.

### **5.0 Implications for Equality and Fairness**

5.1 The Policy is designed to protect children and young people and those adults most at risk of abuse or neglect. This includes anyone who is, or may be in need of community services due to age, illness or a mental or physical disability and may include, for example, people who are frail due to age, those have specific disabilities and those at risk of exploitation.

### **6.0 Other Implications**

6.1 The review of the Council's Safeguarding Policy and procedures is designed to ensure the policy remains robust and is implemented effectively. The recommended amendments are designed to bring the policy up to date, to ensure it covers all areas in which the Council is involved and to minimise the risks to those using Council services, resources and premises and to Council staff, volunteers, contractors and other partners.

6.2 The duty to co-operate quoted in paragraph 1.1 above is a reference to section 10 of the Children Act 2004, which requires local authorities

to make arrangements to promote co-operation between the authority, each of their relevant partners, and any other persons the authority considers appropriate, with a view to improving the well-being of children in the authority's area, in relation to:

- (a) physical and mental health and emotional well-being;
- (b) protection from harm and neglect;
- (c) education, training and recreation;
- (d) the contribution made by those children to society;
- (e) social and economic well-being.

In making arrangements under this section, a local authority must have regard to the importance of parents and other persons caring for children in improving the well-being of children.

## **7.0 Conclusion**

- 6.1 Cabinet is recommended to note the proposed Safeguarding Policy and amendments and to delegate authority to the Senior Head – Community in consultation with the Cabinet Portfolio Holder for Direct Assistance to approve amendments to this policy following consultation with the East Sussex Local Safeguarding and Children's Board and the East Sussex Safeguarding Adults Board.

**Ian Fitzpatrick**  
**Senior Head of Community**

### **Background Papers:**

*None.*

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## Appendix 1

### Safeguarding Policy - Children, Young People and Vulnerable Adults

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#### 1. Scope

- 1.1. This policy is the responsibility of all
- councillors
  - staff and volunteers
  - contractors and partners working for or on behalf of the Council.

References to staff in this policy include all workers (e.g. permanent and temporary staff, agency staff, casuals, volunteers, apprentices and those undertaking internships or work experience). The Staff Code of Conduct requires compliance with the policy.

- 1.2. Children and young people are defined as those aged under 18.

- 1.3. A vulnerable adult is someone aged 18 or over who:
- has needs for care and support (whether or not the local authority is meeting any of those needs) and;
  - is experiencing, or 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.

For example, a person who:

- is frail due to age
- has drug or alcohol problems
- has a learning disability
- has mental or physical ill health or disability

- has been trafficked for purposes such as forced labour or sexual exploitation.

Vulnerability is related to how able an adult is to make and exercise their own informed choice, free from duress or undue influence, and to protect themselves from abuse, neglect and exploitation. There is no hard and fast rule: an adult should be assumed to be covered by this policy unless there is information to indicate that they are not.

## **2. Reasons for the policy**

- 2.1. Everyone, including children, young people and vulnerable adults, has the right not to be abused. We recognise the need to ensure their welfare when they come into contact with the services we provide. The Council has wide ranging contacts with potentially vulnerable children and adults. It is essential that a clear and consistent approach to safeguarding is followed across all Council Services.
- 2.2. It is known that some individuals will actively seek employment or voluntary work with vulnerable people, particularly with children and young people, in order to harm and 'control' them. People who work with children, young people and adults who may be at risk, Contractors and other partners of the Council have a role to play in protecting them from harm and safeguarding their welfare.
- 2.3. It is also important to recognise additional vulnerability in terms of race, disability, religion, ethnicity or language. Specific reference is made to these issues in the "Pan-Sussex Children Protection and Safeguarding Procedures" and in the "Sussex Multi-Agency Policy and Procedures for Safeguarding Vulnerable Adults".
- 2.4. The Children Act 2004 and the Care Act 2014 place specific duties on District and Borough Councils to have regard to the need to safeguard and promote the welfare of children and vulnerable adults, and to co-operate with other agencies to improve the well-being of children and vulnerable adults. The Council is a partner of the East Sussex Local Safeguarding Children Board (LSCB), and East Sussex Local Safeguarding Adults Board (LSAB) and is required, where appropriate, to contribute information to Serious Case Reviews and Safeguarding Adults Reviews, and to ensure learning from these is disseminated and acted on within the Council.

## **3. Safeguarding Statement**

- 3.1 Eastbourne Borough Council works to ensure that all children, young people and vulnerable adults coming into contact with the Council and its employees are protected and treated with respect. Eastbourne Borough Council will endeavour to create an organisational culture where staff, councillors and contractors are sensitive to abuse and exploitation and take responsibility for and feel confident in reporting concerns. The Council will co-operate with relevant partners in order to protect children and adults experiencing or at risk of abuse in accordance with arrangements and procedures agreed by the Local Safeguarding Children Board and the Safeguarding Adults Board.
- 3.2 It is not the policy of Eastbourne Borough Council to encourage staff to investigate suspicions or allegations, but to make all staff aware of the issues surrounding child and vulnerable adult protection and to have clear procedures in place to ensure that staff are aware of how and to whom any concerns should be reported. All staff involved in the provision of services should know what to do if there are any concerns about abuse and what procedures and guidelines they should follow.

## **4. Safeguarding roles and responsibilities**

- 4.1. Safeguarding children from abuse and promoting their welfare means:
- protecting children from maltreatment;
  - preventing impairment of children's health or development;
  - ensuring children are growing up in circumstances consistent with the provision of safe and effective care;
  - taking action to enable all children to have the best outcomes.
- 4.2. Safeguarding vulnerable adults means protecting them from maltreatment, and preventing injury or significant harm. Abuse violates an adult's human and civil rights. It can vary from treating someone with disrespect in a way which significantly affects the person's quality of life, to causing actual physical suffering.
- 4.3. A safeguarding concern arises if abuse is suspected or disclosed. Abuse can happen anywhere – at home, in a residential or nursing home, a hospital, in the workplace, at a day centre or educational establishment or in the street.
- 4.4. It is the responsibility of all those working within or on behalf of Eastbourne Borough Council to report accidents and alleged or suspected incidents of child, young person and/or vulnerable adult abuse.
- 4.5. A minimum of five team leaders or other officers in key roles within the Council will act as **Safeguarding Contacts** supporting staff and ensuring that concerns are reported appropriately and in accordance with current guidance. The role and responsibilities of the Safeguarding Contacts are set out in more detail in Section 8.
- 4.6. The **Named Senior Officer**, the Senior Head of Community, has overall responsibility for safeguarding, including e-safety. This responsibility includes:
- keeping this policy up to date and ensuring its conformity with the Pan Sussex LSCB and LSAB guidance;
  - making sure this policy is implemented, and that staff, councillors, contractors, organisations receiving financial support from the Council and partners understand their responsibilities;
  - checking that appropriate steps are taken in the event of any allegations against a councillor or member of staff, and that the council liaises appropriately and effectively with authorities responsible for investigating these safeguarding concerns: the Police and/or East Sussex County Council Children's and Adults' Services. The Named Senior Officer oversees liaison between the responsible authorities and the council to determine how any internal and external investigations can be conducted properly, preserving evidence and avoiding unnecessary duplication and delay. Investigation by the responsible authorities normally takes precedence over council investigations under the complaints, grievance or disciplinary procedures.
  - supporting the Safeguarding Contacts and other staff, providing direction, advice and guidance where appropriate;
  - ensuring that the council actively supports all Serious Case Reviews (SCRs) and Safeguarding Adults Reviews (SARs) where the council may have had involvement / contact with the victim; and

- o ensuring that the council acts on lessons learnt from SCRs and SARs and other safeguarding issues, grievances or disciplinary proceedings.

4.7. Specific safeguarding responsibilities are tabulated at Appendix A.

## 5. Types of abuse

- 5.1. The Care Act 2014 includes a list of some types and patterns of abuse and neglect and the different situations in which this may take place. This is intended as an illustration rather than an exhaustive list and the Council should not limit its view of what constitutes abuse or neglect to examples illustrated. The list below is included as an illustration of the types of abuse and neglect that may arise.
- 5.2. **Physical:** causing physical harm, including hitting, shaking, biting, grabbing, withholding food or drink, force-feeding, wrongly administering medicine, unnecessary restraint, failing to provide physical care and aids to living;
- 5.3. **Sexual:** including sexual assault, rape, inappropriate touching/molesting, forcing or enticing, someone into sexual acts they don't understand or feel powerless to refuse; grooming a child or young person in preparation for abuse, including on-line activity.
- 5.4. **Emotional or psychological:** persistent emotional ill treatment or rejection (domestic or otherwise), including verbal abuse, shouting, swearing, threatening abandonment or harm, isolating, taking away privacy or other rights, bullying/intimidation, blaming, belittling, silencing, controlling or humiliating;
- 5.5. **Exploitation:** either opportunistically or premediated, unfairly manipulating someone for profit or personal gain;
- 5.6. **Financial or material:** illegal or improper use of an adult's property, money or other assets without their informed consent or where the consent is obtained by fraud. It can include withholding money or possessions, theft of money or property, fraud, intentionally mismanaging finances, borrowing money and not repaying. In relation to an adult's financial affairs or arrangements this could include wills, property, inheritance or financial transactions of the misuse or misappropriation of property, possessions or benefits;
- 5.7. **Neglect and acts of omission:** persistent or severe failure to meet a person's basic physical and psychological needs. It will result in serious impairment of their health or development, and can include withholding shelter, food, drink, heating and clothing, failing to provide access to health, social and educational services, ignoring physical care needs, exposing a person to unacceptable risk, failing to ensure adequate supervision or unresponsiveness to the basic emotional needs of a child;
- 5.8. **Discriminatory abuse:** including slurs, harassment and maltreatment due to a protected characteristic (Equality Act 2010);
- 5.9. **Institutional abuse:** including neglect and poor care practice within an institution or specific care setting such as a hospital, care home or children's home.
- 5.10. **Unintentional abuse:** this may be the result of negligence or ignorance;
- 5.11. **Child Sexual Exploitation (CSE):** includes forcing or enticing a child aged under 18 to take part in sexual activities whether or not the child is aware of what is happening.



The may include situations or relationships where children receive something (e.g. food, drugs, alcohol, cigarettes, affection, gifts, accommodation and money) linked to sexual activity. CSE also occurs remotely, not necessarily with the child's awareness through the use of technology, e.g. posing sexual images on the internet.

- 5.12. **Modern slavery:** recruiting people by deception or coercion and moving them to a new place where they can be exploited. This includes human trafficking.
- 5.13. **Domestic abuse:** an incident or pattern of incidents of controlling, coercive or threatening behaviour, violence or abuse by someone who is or has been an intimate partner or family member regardless of gender or sexuality.
- 5.13 **Honour Based Abuse (HBA):** a collection of practices which are used to control behaviour within families or other social groups to protect perceived cultural and religious beliefs and/or honour and which can occur when perpetrators perceive that a relative has shamed the family and/or community by breaking their honour code.
- 5.14 **Forced Marriage (FM):** a marriage conducted without the valid consent of one or both parties and where duress is a factor. FM is now a specific offence under s121 of the Anti-Social Behaviour, Crime and Policing Act 2014;
- 5.15 **Female Genital Mutilation (FGM):** is a collective term for a range of procedures which involve partial or total removal of the external female genitalia for non-medical reasons, sometimes referred to as female circumcision or female genital cutting. FGM of girls is regarded as child abuse;
- 5.16 **Human Trafficking:** the recruitment, transportation, transfer, harbouring or receipt of people by means of the threat or use of force or other forms of coercion, abduction, fraud, of deception, abuse of power or inducements for the purpose of exploitation through prostitution or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or removal of organs. Victims may be physically or psychologically 'imprisoned'.
- 5.17 **Self-neglect:** Self-neglect is 'the inability (intentional or non-intentional) to maintain a socially and culturally accepted standard of self-care with the potential for serious consequences to the health and well-being of people who self-neglect and perhaps even to their community' (Gibbons, 2006);
- 5.18 **Prevent:** is the Government counter-terrorism strategy. From July 2015 local authorities have a responsibility to work with and support individuals and communities who may be vulnerable to the threat of violent extremism and terrorism. Children and vulnerable adults may be at risk of being drawn into extremism. Early intervention can help protect them before illegality occurs, and concerns relating to extremism can be reported as a Safeguarding Concern.

## 6. Signs of abuse

- 6.1. There are many possible signs of abuse, none being conclusive on their own.

Examples include:

- Unexplained injury / weight loss / cuts and bruises / dirtiness
- Changes in behaviour
- Depression / low self-esteem / anxiety
- Lack of self-care / dehydration / abnormal eating pattern

- Harm to self
- Obsessive behaviour
- Bills not being paid
- An overly critical or disrespectful carer (or boss, for trafficking) who may control, bully or undermine
- Isolation from usual network of friends, family or community
- No access to GP / local services and legal documents e.g. passport (trafficking)

## 7. Reporting safeguarding concerns

- 7.1. We all have a responsibility to report any safeguarding concerns over the welfare of children, young people or vulnerable adults. This extends to the identification of signs of abuse; poor practice by staff, councillors and others acting for or on behalf of the council, and allegations brought to our attention by a member of the public. Reporting safeguarding concerns can prevent serious abuse or harm from happening, or from escalating.
- 7.2. All staff, volunteers, members, contractors and partners of Eastbourne Borough Council are expected to act promptly and effectively in communicating concerns relating to child and adult protection either through one of the Council's Safeguarding Contacts, if available, or directly to East Sussex Children's Services or Adult Social Care Service.
- 7.3. A list of the council's **Safeguarding Contacts** is maintained by the HR Manager. Safeguarding concerns must be reported to them **securely** and **in writing**, preferably using a Safeguarding Form. Staff must not attempt to investigate abuse themselves; neither must they confront anyone who is allegedly responsible for abuse nor tell them that allegations have been made about them.
- 7.4. **Inside normal office hours**, safeguarding concerns must be reported in writing to a Safeguarding Contact at the earliest possible opportunity, and within **one working day** of recognising the risk. Verbal reports must be confirmed in writing within one working day.
- 7.5. **Outside normal office hours**, safeguarding concerns must be reported immediately to the East Sussex County Council Emergency Duty Service. A record must be made of everything that is said, and a Safeguarding Contact must be informed in writing on the next working day (see 6.3).
- 7.6. **Dial 999** if a child, young person or vulnerable adult may be in imminent danger or a criminal offence may have been committed before taking the steps in 6.3 or 6.4 above.
- 7.7. The Safeguarding Contact should be given as much factual information as possible, preferably on a Safeguarding Form. For example:
- The child, young person or vulnerable adult's name and address (and parents'/carers' address if different);
  - The reason for concern – a note of significant events or conversations should be made as promptly as possible to assist with any referral and subsequent investigation. Evidence such as texts or Facebook entries should be preserved;
  - Any other known factors which may be contributing to the problem;
  - Additional information such as age (or date of birth), ethnicity, religion, language and disabilities / specific needs.

However, it is not the role of Eastbourne Borough Council staff to investigate suspicions or allegations and any safeguarding concern should be reported whether or not the information is complete.

- 7.7 If there are doubts about whether a safeguarding concern has been handled in accordance with the Safeguarding Policy, these should be raised with the Named Senior Officer. If this is not appropriate, the concern should be raised with another member of the Council's Corporate Management Team.
- 7.8 Variations to these arrangements may be agreed within specific teams (e.g. sheltered housing) to ensure that safeguarding concerns are dealt with promptly.

## 8. Role of Safeguarding Contacts

- 8.1. A Safeguarding Contact is responsible for receiving reports of safeguarding concerns inside normal office hours from any councillor or staff member **regardless** of which team they work in and for maintaining appropriate records on behalf of Eastbourne Borough Council, seeking advice from ESCC Children's and Adults' Services and informing the Named Senior Officer of the concern and advice received.
- 8.2. To discharge this responsibility, the Safeguarding Contact must inform East Sussex County Council (ESCC) Children's or Adults Services of the safeguarding concern, where possible on the same working day as it is received and **within 24 hours**, and obtain their advice about the appropriate action to be taken. For Children's Services, the point of contact will be the Local Authority Designated Officer (LADO). Advice may also be received from the Police if appropriate.
- 8.3 It is not the job of the Safeguarding Contact or the Named Senior Officer to establish whether or not abuse is taking place, or whether a crime has been committed. That is the job of the "responsible authorities" (Police or ESCC Children or Adult Services).
- 8.4 Safeguarding Contacts are also responsible for supporting staff who report concerns directly to East Sussex County Council (ESCC) whether this is out of normal office hours or in situations where they have not been able to locate a Safeguarding Contact.

## 9. Confidentiality, record keeping and sharing information

- 9.1 Information about safeguarding concerns should be regarded as **confidential** and should be channelled through a Safeguarding Contact. The information is not secret, however, and the Safeguarding Contact will seek advice from ESCC Children's and Adults' Services and be guided by the information set out at Appendix H. Information sharing must be necessary, proportionate, relevant, accurate, timely and secure.
- 9.2 If someone discloses abuse, but asks that it should be kept a secret, they should be told that if what they have said indicates that they, or someone else, may be harmed, there is a duty to report it to a Safeguarding Contact. This is called acting in the public interest.
- 9.3 If a witness who is not a councillor or member of staff requests anonymity, they should be told that it is much better if they are willing to give their name, but if not, their concern will still be reported to a Safeguarding Contact.

- 9.4 Records should be written in plain English, and should always differentiate clearly between fact and opinion or judgement. All must be dated, and stored securely. Any paper records must be signed, and appropriately destroyed after scanning.
- 9.5 Information about a safeguarding concern may be shared by a Safeguarding Contact or the Named Senior Officer at the earliest opportunity with appropriate others, in accordance with principle vi. of the Seven Golden Rules at Appendix H. For example:
- a. the council's HR Manager (in the case of an allegation against staff);
  - b. the council's Monitoring Officer (in the case of an allegation against a councillor);
  - c. the appropriate company / organisation, Eastbourne Borough Council Senior Lead or Manager where safeguarding concerns and allegations relate to contractors or partners;
  - d. the alleged victim or their parent/carer where appropriate (regarding the safeguarding concern and steps being taken to deal with it). Advice must be sought from ESCC Children's or Adults' Services before contacting them.
- 9.6 A secure GCSX compliant email system must be used where there is a need to share Safeguarding Forms or other confidential information with external organisations (in accordance with the information-sharing requirements of this policy).
- 9.7 Records will be stored in accordance with the Council's policies and procedures governing information management and record / document retention and disposal.

## **10. Allegations against staff, councillors, contractors or partners.**

- 10.1 If someone witnesses behaviour by a councillor, member of staff, contractor or partner, or an allegation is made about them that indicates that they have, or may have:
- harmed a child, young person or vulnerable adult, or put them at risk of harm;
  - possibly committed a criminal offence against or related to a child, young person or vulnerable adult or
  - behaved in a way that indicates they may pose a risk of harm to children, young people or vulnerable adults,
- they must report it as a safeguarding concern to a Safeguarding Contact (see Section 7).
- 10.2 It is acknowledged that an allegation against any member of staff will generate concern amongst other staff. The way in which any such allegation are dealt with should be professional and fair and, above all, protect the welfare of the child, young person or vulnerable adult. Staff will be supported if they disclose information about a colleague.
- 10.3 A councillor or member of staff, whether paid or unpaid, must report any allegation made against them to a Safeguarding Contact following the procedure in Section 7 of this policy.
- 10.4 Safeguarding concerns and allegations relating to staff will be dealt with in accordance with the Council's Disciplinary Procedure (including in instances where the member of staff resigns or leaves). However, investigations by the responsible authorities will take precedence over internal council procedures relating to conduct. The HR Manager will liaise with the responsible authorities to agree the appropriate course of action.

- 10.5 The HR Manager will seek advice from East Sussex County Council Children's or Adult Services or the Police prior to informing a member of staff of an allegation against them. The HR Manager will offer appropriate welfare support to the member of staff and ensure they are kept appropriately informed during any investigation process.
- 10.6 In accordance with the law, the Council will refer to the Disclosure and Barring Service (DBS) any member of staff who:
- was dismissed because they harmed a child or adult
  - was dismissed or removed from working in a regulated activity because they might otherwise have harmed a child or adult;
  - would have been dismissed for either of these reasons, but they resigned first; or
  - who works with children or vulnerable adults in regulated activity and has been cautioned or convicted for a relevant offence.
- 10.7 Safeguarding concerns and allegations relating to councillors will be referred to the Monitoring Officer and dealt with in accordance with the Code of Conduct of Members of the Council.
- 10.8 The Council will implement procedures to deal with the outcome of any investigation including:
- advice and reassurance to the public;
  - media attention;
  - dealing with staff in the event of allegations being unfounded;
  - dealing with staff should an allegation about a staff member be proven.

## **11. Recruitment and Selection**

- 11.1 Eastbourne Borough Council will take all reasonable steps to prevent unsuitable people working on behalf of the Council with children, young people and vulnerable adults. Procedures will be deployed consistently for all staff – whether in full time, part time, permanent or temporary employment and whether paid or voluntary.
- 11.2 The need to recruit quickly will not be allowed to take precedence over safe recruitment principles. They are incorporated into the council's recruitment policies and practices, and the HR Manager is responsible for their implementation and review. Key aspects are:
- A commitment to safeguarding must be included in all future employment contracts.
  - Criminal record checks will be made where appropriate. Roles that involve "regulated activities," such as caring for, supervising or being in sole charge of children or vulnerable adults, require an Enhanced Disclosure and Barring Service (DBS) Check. This may include checking whether someone is included in the two DBS 'barred lists' of individuals who are unsuitable for working with children and adults. DBS Checks must be obtained for staff and volunteers undertaking these roles, and they will not be permitted to commence unaccompanied work until they have been received. It is against the law for employers to employ someone, or allow them to volunteer for, this kind of work if they know they are on one of the barred lists.
  - Offers of employment or placements are subject to receipt of satisfactory references and identity checks. Where the post involves significant contact with

children, young people or vulnerable adults, former employers will be asked about the suitability of the candidate and whether there have been any concerns, allegations or disciplinary investigations related to safeguarding.

- Managers and HR staff must comply with corporate policies on the security of DBS Records and on the Rehabilitation of Offenders to ensure the confidentiality of information received in relation to applicants.

11.3 Managers are responsible for ensuring that employment agencies used by the council offer safe recruitment and selection processes. Employment agencies must be made aware of this policy, must provide the council with a copy of their safeguarding procedure and must agree to share with the council any safeguarding concern within the agency relating to individual staff.

## **12. Information and Training**

12.1. Information will be made available in Council premises to raise awareness to let people know how to voice any safeguarding concerns they may have.

12.2. Appropriate information will be made available to staff, councillors, contractors and partners in the form of this policy and Appendices.

12.3. All training carried out will be consistent with the recommendations of the Local Safeguarding Children Board and the Safeguarding Adults Board.

12.4. Induction for new staff and councillors on safeguarding must be completed within 3 months of the start of their employment / placement / term of office. It will include:

- signposting this policy, procedures for reporting safeguarding concerns and contact details of Safeguarding Contacts and the Named Senior Officer;
- awareness training on safeguarding, professional standards and role boundaries.

12.5. Existing staff and councillors will be required to undertake refresher awareness training on safeguarding, professional standards and role boundaries every 3 years.

12.6. Requirements for more advanced training for staff who have significant contact with children, young people or vulnerable adults will be identified as part of the induction and/or appraisal process, dependent on the nature of the post.

12.7. Requirements for additional training for HR Officers, Safeguarding Contacts, the Monitoring Officer and the Named Senior Officer will be identified as part of the induction and/or appraisal process and refreshed at appropriate intervals.

## **13. External organisations licensed by, or working with, for or on behalf of the council**

13.1 The Council works with and through a number of external organisations such as charities, contractors, licensees, other public sector bodies etc.

13.2 Where these external organisations are likely to have significant contact with children, young people or vulnerable adults as a direct result of their work for, on behalf of, or in partnership with the council, they are required to have safeguarding procedures, such as safe recruitment and selection processes, in place. They must be made aware of this policy, must provide the council with a copy of their safeguarding procedure and

must agree to share with the council any safeguarding concern within their organisation relating to relevant individuals who undertake work for or on behalf of the council.

- 13.3 Support for programmes which involve children, young people or vulnerable adults (funding, premises, etc.) will be subject to those organisations providing evidence of effective policy and procedures on child and vulnerable adult protection. This includes all those managing any of our buildings or with a licence to run services from any of our buildings.
- 13.4 Senior Heads of Service and Managers are responsible for ensuring that their teams are made aware of and comply with the provisions set out in 13.2. and 13.3).
- 13.5 Senior Heads of Service and Managers are responsible for obtaining assurances that external organisations have implemented their own safeguarding procedures once they have been alerted to a safeguarding concern under Section 7. Senior Heads of Service and Managers will also take appropriate steps to address any risk that may be posed by an individual in the course of their organisation's work for or on behalf of the council.
- 13.6 The council will undertake DBS checks in accordance with national guidelines as part of the licence application process (e.g. taxi licence applications).

## Appendix A – table of specific responsibilities in relation to safeguarding

Role			
Named Senior Officer	Safeguarding Contacts	HR Manager	Others
Maintain policy – update and ensure conformity with East Sussex LSCB and LSAB guidance.	Receive reports of safeguarding concerns and seek advice from ESCC Children’s and Adults’ Services (including the LADO and reference to the Children Index for concerns about children).	Manage allegations against staff <ul style="list-style-type: none"> <li>• Implement disciplinary procedure where appropriate;</li> <li>• Liaise with responsible authorities</li> <li>• Share information with appropriate others;</li> <li>• Offer appropriate welfare support to person against whom allegations have been made;</li> <li>• Make referrals to the DBS when appropriate.</li> </ul>	<b>Cabinet Member for Direct Assistance Services</b>  <b>Senior Head of Projects, Performance and Technology</b> Ensure Communications including social media comply with Safeguarding policies and standards
Oversee policy implementation and ensure awareness and understanding.  Ensure Corporate Risk Assessment is carried out, updated and recorded on Covalent	Recommend the appropriate action to be taken to the Senior Named Officer, and implement their decision(s) promptly.	Implement safe recruitment practices including <ul style="list-style-type: none"> <li>• DBS checks where applicable;</li> <li>• Information in application pack;</li> <li>• Pre-employment checks.</li> </ul>	<b>Senior Officers / Managers</b> <ul style="list-style-type: none"> <li>• Ensure departmental compliance with the policy including completion, updating and recording of risk assessments on Covalent;</li> <li>• Implement section 13 (external organisations).</li> <li>• Implement section 11.7 (employment agency checks)</li> <li>• Managers and Safeguarding Contacts ensure information is properly protected and shared, and use monitored.</li> </ul>
Oversee management of allegations against staff and councillors including <ul style="list-style-type: none"> <li>• Implementation of appropriate procedures;</li> <li>• Liaison with responsible authorities.</li> </ul>	Maintain appropriate records of concerns, advice, decisions and actions taken.	Arrange appropriate induction and training for staff.	<b>Specialist Advisor - Licensing</b> Implement national guidance on DBS checks as part of the licence application process.



<p>Support Safeguarding Adult Reviews</p> <ul style="list-style-type: none"> <li>• Active co-operation;</li> <li>• Lessons learnt.</li> </ul>	<p>Share information with appropriate others.</p>	<p>Maintain and publicise a list of Safeguarding Contacts.</p>	<p><b>Senior Head of Corporate Development and Governance</b></p> <ul style="list-style-type: none"> <li>• Arrange appropriate induction and training for councillors.</li> <li>• Ensure that safeguarding concerns and allegations relating to councillors are dealt with in accordance with the Code of Conduct of Members of the Council.</li> </ul>
<p>Support and direct the Safeguarding Contacts, in the light of advice from ESCC Children's and Adults' Services</p>			



## Appendix B – General Guidance for Staff and Managers

We can reduce likely situations for abuse of children and help protect our staff and volunteers from false accusations by making sure that everyone is aware that **it is not acceptable to:**

- Spend time alone with children away from others;
- Take children alone in a car on journeys, however short;
- Take children to their home.

In exceptional circumstances where it is **absolutely unavoidable** that these things do happen, they should **only** occur with the full knowledge and consent of the senior head or their deputy.

You should make it clear to all staff and volunteers in your organisation that they should **never:**

- Engage in rough physical games, including horseplay (apart from structured sports activities);
- Allow or engage in inappropriate touching of any form;
- Allow children to use inappropriate language unchallenged;
- Make sexually suggestive comments about, or to, a child;
- Let allegations a child makes go unchallenged or unrecorded;
- Do things of a personal nature for children or vulnerable adults.

## **APPENDIX C – Guidance For Managers: Supervision of Children**

Making arrangements for the proper supervision of children is one of the most effective ways of minimising opportunities for children to suffer harm of any kind whilst taking part in organised programmes or whilst at Council facilities.

### **Planning**

- Organisers **must** plan and prepare a detailed programme of activities for the children who are involved in the project, **including preparing a risk assessment prior to the event.**
- Managers must ensure that all staff and volunteers have got required appropriate CRB clearance in place.
- Organisers are responsible for the welfare and safety of the children for the whole time they are in their care.
- Young people should not be left to their own devices when undertaking a supervised programme.
- All children should be adequately supervised and engaged in suitable activities at all times.
- In circumstances when planned activities are disrupted, e.g. due to weather conditions, then organisers should have a number of alternative activities planned.

### **Supervision**

- Leaders in charge must be satisfied that those workers and adults who accompany group parties are fully competent to do so.
- Children must be supervised at all times.
- Children must not be left unsupervised at any venue whether it is indoors or out of doors.
- Workers should know at all times where children are and what they are doing.
- Any activity using potentially dangerous equipment should have constant adult supervision.
- Children will be safer if supervised by two or more adults.
- Dangerous behaviour by children should not be allowed.

### **Adult/Child Ratios**

Level of supervision must be adequate whether at the organisation's venue or on a journey/visit. Therefore, when deciding how many adults are required to supervise, manager must take into consideration a range of practical matters:

- The number of participants in the group
- The nature of the site/venue and of the activity involved
- It is important that each individual supervisor knows the responsibilities he/she is expected to bear.

It is for the Manager in charge to exercise his/her professional judgement in deciding the level of supervision taking into account the appropriate national guidance. Risk assessments should be carried out in advance of programming the activity.

**Guidelines for listening to a child, young person or vulnerable adult who claims he or she has been abused:**

- React calmly so as not to frighten the child, young person or vulnerable adult
- Tell them they are not to blame and that they were right to tell
- Take what they say seriously, recognising how difficult it was for them to confide in you
- Always reassure them but do not make promises of confidentiality
- Immediately afterwards, make a full, detailed record of what has been said, heard and/or seen.

## **APPENDIX D – What to do if you have concerns – reporting incidents or allegations**

**All staff** must report any incidents or allegations to one of the Council's **Safeguarding Contacts**, or, in their absence, to a direct line manager.

If a disclosure is made it **must be reported**. If in doubt contact one of the Safeguarding Contacts, your line manager, Human Resources or the Senior Head of Community.

The Safeguarding Contacts will be identified to the member of staff at the start of their employment.

These are:

- The Manager of Customer First (Customer Contact)
- The Neighbourhood First Team Manager
- Specialist Advisor – Housing
- Manager - Sports Team
- Events Coordinator

The Safeguarding Contact or manager will contact the relevant Duty and Assessment Team at East Sussex County Council during working hours or the Emergency Duty Team if outside office hours.

The Senior Head of Community and the Head of Service should be informed.

In an emergency, if it is out of office hours or you are unable to contact a Safeguarding Contact, report your concerns directly.

If a child, young person or vulnerable adult is in **immediate danger ring 999**.

If the person you are concerned about is **injured, call an ambulance** or contact a doctor.

Use the Safeguarding Referral Form at Appendix E as a checklist and to record information relating to a concern about a child or young person but **do not send this other than by secure (GCSX) email**.

Use this form during working hours:

- If you observe something that gives you concern, or witness an incident that involves a child or young person
- If you are concerned about the behaviour of a member of Eastbourne Borough Council staff towards a child or young person
- If a child, young person or vulnerable adult discloses abuse or neglect.

Pass this report to a Safeguarding Contact, or, if they are not available, to the Named Senior Officer or another member of the Corporate Management Team.

If you are unable to answer all the questions, do not delay making a report. Do not try to gather any further information. Staff, volunteers, members and partners are **not**

expected to investigate suspected incidents but **must** act promptly and effectively in communicating the issues to child and adult protection professionals.

### **Reporting Concerns about child protection**

- Concerns relating to child protection should be reported to the Local Authority Designated Officer on 07825 782793 or, if they are not available, to the Duty Assessment Team on 01323 747373 during office hours – by the Safeguarding Contact or manager who has been notified of the incident, or, if none of these is available, by the member of staff raising the concern.
- Out of hours, in the case of urgent childcare issues which cannot wait until the following day, staff should raise their concerns directly through the Out of Hours service on 01273 335906 or 01273 335905. This service is available out of office hours, including weekends and Public Holidays.
- All allegations should be reported regardless of their nature or who receives them. If you are unsure whether the concern should be referred, you may contact the Local Authority Designated Officer (LADO) for advice on 07825 782793.

### **Reporting suspected abuse of an adult at risk**

- Concerns relating to suspected abuse of an adult at risk should be reported to East Sussex Adult Social Care Direct on 0345 6080 191.

## Other useful contacts

- Elder Abuse Response  
Phone: **080 8808 8141**  
Website: [www.elderabuse.org.uk](http://www.elderabuse.org.uk);
- Healthwatch  
**Phone: 0300 012 0122;**
- Public Concern at Work (for staff concerned about bad practice in the workplace)  
**Phone: 020 7404 6609;**
- NHS Direct  
**Phone: 0845 4647;**
- Samaritans  
**Phone: 08457 909090;**
- Carers Direct National Helpline  
**Freephone: 0808 802 0202;**
- Care Quality Commission  
**Phone: 03000 616161;**
- National Domestic Violence Helpline (24-hour helpline)  
**Freephone: 0808 2000 247.**



## **Appendix E**

### **Allegations against a member of staff or Councillor**

If you are concerned about the behaviour of a member of Eastbourne Borough Council staff towards a child, young person or vulnerable adult you must report this.

Where an allegation is made against an employee:

- the matter will be investigated in accordance with the Council's disciplinary procedure.
- an appropriate person will be appointed to investigate;
- an immediate evaluation will be carried out to determine if there needs to be a full investigation;
- the employee may be suspended in cases of a more serious nature;
- if during the investigation there are suspicions of criminal activity or intent, the case will be referred to the police and/or social services.

If you report your concerns, you will be treated with sensitivity and fully supported by the Council.

**Appendix F**



**Referral Form - CONFIDENTIAL**

**THIS FORM SHOULD ONLY BE COMPLETED FOLLOWING A CONVERSATION WITH A DUTY SOCIAL WORKER AND SHOULD BE RETURNED WITHIN 24 HOURS OF CONTACT**

**1**

To: \_\_\_\_\_ at  
Children's Social Care

Initial date of contact \_\_\_\_\_ Today's date \_\_\_\_\_

Are you aware if a CAF form may have already been completed? Yes/No/Do not know

**2**

**FAMILY/CLIENT DETAILS**

Are family aware of referral? Yes  No

Re-referral Yes  No

CHILD/YOUNG PERSON'S FULL NAME(S)  
\_\_\_\_\_

DATE OF BIRTH/Expected date of delivery \_\_\_\_\_ GENDER: M  F

ADDRESS:  
\_\_\_\_\_

PHONE:  
\_\_\_\_\_

**3**

**ETHNICITY**

African  Bangladeshi  Caribbean  Chinese  Indian  Pakistani

White British  White & Asian  Other Asian  White & Black African  White & Black Caribbean

White Irish  Other White  Other Black  Other Ethnic Group  Other Ethnic Group  Not given

**4**

**OTHER HOUSEHOLD MEMBERS/CHILDREN**

Name	D.O.B	Relationship	Parental Responsibility
_____	_____	_____	Y <input type="checkbox"/> N <input type="checkbox"/>

_____	_____	_____	Y <input type="checkbox"/>	N <input type="checkbox"/>
_____	_____	_____	Y <input type="checkbox"/>	N <input type="checkbox"/>
_____	_____	_____	Y <input type="checkbox"/>	N <input type="checkbox"/>
_____	_____	_____	Y <input type="checkbox"/>	N <input type="checkbox"/>
_____	_____	_____	Y <input type="checkbox"/>	N <input type="checkbox"/>
_____	_____	_____	Y <input type="checkbox"/>	N <input type="checkbox"/>

5

<b><u>OTHER SIGNIFICANT ADULTS/PEOPLE (LIVING ELSEWHERE)</u></b>		
<b>Name</b>	<b>Relationship</b>	<b>Address</b>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

6

<b><u>REFERRAL DETAILS</u></b>	
These should include information on:-	<ul style="list-style-type: none"> <li>The presenting issue, with evidence and facts</li> <li>Summary of previous involvement</li> <li>Expectations of referrer (what you feel needs to happen)</li> <li>Family's view of referral</li> <li>CAF/Framework of Assessment, where possible</li> <li>Are there any indications that the child/young person may be</li> </ul>
at risk of Child	Sexual Exploitation

Please continue on separate sheet if necessary, and attach any supporting documents.

7

**OTHER KEY AGENCIES**

<b>Name/Role mail</b>	<b>Address</b>	<b>Telephone No</b>	<b>E-</b>
_____	_____	_____	
_____			
_____	_____	_____	
_____			
_____	_____	_____	
_____			

8

**REFERRER DETAILS**

**Name** \_\_\_\_\_ **Agency-**  
\_\_\_\_\_

**Address**  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_ **Signature**  
\_\_\_\_\_

**Tel No:** \_\_\_\_\_ **Fax No:** \_\_\_\_\_ **E-mail:**  
\_\_\_\_\_

## **APPENDIX G – Risk Assessment**

The Named Senior Officer is responsible for ensuring that a corporate risk assessment covering safeguarding is carried out and recorded on Covalent.

Senior Heads of Service are responsible for ensuring risk assessments are carried out in their service areas and recorded on Covalent.

For the purposes of this policy the type of work shown is indicative of the type of areas where protection of children and vulnerable adults should be considered. It is not intended to be comprehensive or exclusive.

Managers of work areas have responsibility for identifying “at risk” staff and other groups.

**High Risk:** Staff who enter people’s homes where Children or Vulnerable Adults may be, e.g.

- Leisure Centre & Sports Centre Staff
- Events staff
- Neighbourhood Advisors
- Contractors
- Volunteers

**Low Risk:** Staff who work out of the office but have no direct contact with Children, e.g.

- Contract inspectors
- Planning Officers / Building Control Officers

**No Risk:** Staff who are office based and have no contact with Children or Vulnerable Adults, e.g. Financial or Legal staff

When considering risk the same methodology should be applied to Council members, staff, contractors and volunteers.

## **APPENDIX H – Information Sharing**

**Working Together to Safeguard Children 2015 states that:**

*“Effective sharing of information between professionals and local agencies is essential for effective identification, assessment and service provision.*

*Early sharing of information is the key to providing effective early help where there are emerging problems. At the other end of the continuum, sharing information can be essential to put in place effective child protection services. Serious Case Reviews (SCRs) have shown how poor information - sharing has contributed to the deaths or serious injuries of children.*

*Fears about sharing information cannot be allowed to stand in the way of the need to promote the welfare and protect the safety of children.” (Working Together 2015)*

Professionals often feel confused or concerned when they are asked to provide information to Children’s or Adult Social Care. Usually, this concern centres on the Data Protection Act and whether or not the professional has to obtain the consent of a parent before personal information can be shared.

There have been occasions when attempts to protect children from significant harm have been obstructed or delayed by a professional’s reluctance to share relevant information.

No professional should assume that someone else will pass on information which they think may be critical to keeping a child safe. If a professional has concerns about a child’s welfare and believes they are suffering or likely to suffer harm, then they should share the information with local authority children’s social care.

### **What is the legal basis for sharing information?**

Sharing information with Children’s or Adult Social Care when they are discharging their legal duty to safeguard children or vulnerable adults is enshrined in legislation, statutory guidance, and in inter-agency safeguarding procedures.

- The Children Act 1989 requires local authorities to make child protection enquiries if they have reasonable cause to suspect that a child is suffering, or is likely to suffer, significant harm, and requires other organisations to assist them with those enquiries if asked to do so.
- the Children Act 1989 places a general duty on local authorities to provide services for children in need in their area; section 27 of the act enables local authorities to request the help of other organisations to exercise this duty.
- Section 10 of the Children Act 2004 requires organisations to cooperate with the local authority to make arrangements to improve the wellbeing of children in their area.
- Section 11 of the Children Act 2004 places a duty on organisations to make arrangements to ensure their functions are discharged with regard to the need to safeguard and promote the welfare of children; this includes ensuring arrangements are in place for appropriate information sharing.
- Section 175 of the Education Act 2002 requires governing bodies of maintained schools and further education colleges to make arrangements to ensure that their functions are carried out with a view to safeguarding and promoting the welfare of children. Section 157 of the Education Act 2002 requires proprietors of independent schools (including academies, Free Schools and city technology colleges) and The Non-Maintained Special Schools Regulations 1999 require governing bodies of non-maintained special schools to make similar arrangements to safeguard and promote the welfare of children. Collaborative work and information sharing is necessary to fulfil these duties.
- Clause 45 of the Care Act focuses on ‘supply of information’. This relates to the responsibilities of others to comply with requests for information from the Safeguarding Adults board

Staff should be aware of:

- 'Working Together to Safeguard Children' 2015
- The 'Care and Support Statutory Guidance' 2015
- Local requirements as set out in the *Sussex Safeguarding and Child Protection Procedures* (<http://pansussexscb.proceduresonline.com>)
- Local requirements as set out in the *Sussex Safeguarding Adult – Policy and Procedures* (<https://eastsussexgovukstorage.blob.core.windows.net/media/1066/sussex-safeguarding-adults-policy-and-procedures.pdf>)

The general principle is that information will only be shared with the consent of the subject of the information.

However, consent should not be sought:

- If it would place a child or adult at increased risk of harm
- If it would prejudice the prevention of detection of a serious crime
- If it would lead to unjustified delay in making enquiries about allegations of significant harm to a child
- If required by a statutory duty or a court order to share information

Consent is not necessary in cases where Children's Social Care are making child protection enquiries under section 47 of the Children Act 1989 – information needs to be shared with them; staff should ensure they record that the information has been shared.

### **Seven Golden Rules**

- i. Remember that the Data Protection Act is not a barrier to sharing information but provides a framework to ensure that personal information about living persons is shared appropriately
- ii. Be open and honest with the person (and/or their family where appropriate) from the outset about why, what, how and with whom information will, or could be shared, and seek their agreement, unless it is unsafe or inappropriate to do so.
- iii. Seek advice if you are in any doubt, without disclosing the identity of the person where possible.
- iv. Share with consent where appropriate and, where possible, respect the wishes of those who do not consent to share confidential information. You may still share information without consent if, in your judgement, that lack of consent can be overridden in the public interest. You will need to base your judgment on the facts of the case. See also [Further Information to Inform Decision Making Procedure](#) regarding the need for consent.
- v. Consider safety and well-being: Base your information sharing decisions on considerations of the safety and wellbeing of the person and others who may be affected by their actions.

- vi. Necessary, proportionate, relevant, accurate, timely and secure: Ensure that the information you share is necessary for the purpose for which you are sharing it, is shared only with those people who need to have it, is accurate and up-to-date, is shared in a timely fashion, and is shared securely.
- vii. Keep a record of your decision and the reasons for it - whether it is to share information or not. If you decide to share, then record what you have shared, with whom and for what purpose.

(Extract from “Information sharing: Guidance for Practitioners and Managers”)

**Further information can be found at:**

<http://pansussexscb.proceduresonline.com/index.htm>

<http://pansussexadultssafeguarding.proceduresonline.com/>