

**NEWCASTLE-UNDER-LYME BOROUGH COUNCIL**

**REPORT TO CABINET**

**Date: NOVEMBER 2015**

**Title:** Safeguarding Children and Adults at Risk of Abuse and Neglect Policy

**Submitted by:** Sarah Moore

**Portfolios:** Safer Communities and Leisure, Culture and Localism

**Ward(s) affected:** All

**Purpose of the Report**

To reaffirm to Cabinet of the role of the Borough Council in safeguarding children and adults at risk of abuse and neglect.

To seek Cabinet approval for the adoption of the revised Safeguarding Children and Adults at Risk of Abuse and Neglect Policy for the Borough Council in Newcastle-under-Lyme.

**Recommendations**

To approve the revised Safeguarding Children and Adults at Risk of Abuse and Neglect Policy and accompanying procedure for introduction and delivery in the Borough.

**Reasons**

The Children Acts (1989) and (2004), the Care Act (2014) and the Safeguarding Vulnerable Groups Act (2006) place statutory duties on District Councils to make arrangements to ensure that in discharging their functions they have regard to the need to safeguard and promote the welfare of children and adults at risk of abuse and neglect.

The statutory guidance '*Working together to safeguard children: a guide to inter agency working to safeguard and promote the welfare of children (2015)*' provides core legislative requirements regarding the expectations of the role of District Councils working alone or in partnership with other organisations.

**1. Background**

1.1 Safeguarding children can be defined as *"The process of protecting children from abuse or neglect, preventing impairment of their health and development, and ensuring they are growing up in circumstances consistent with the provision of safe and effective care that enables children to have optimum life chances and enter adulthood successfully"*.

1.2 The safeguarding duties apply to an adult 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. The adult experiencing, or at risk of abuse or neglect will hereafter be referred to as the adult throughout this policy.

- 1.3 The Children Act (2004) requires each local authority to establish a Local Safeguarding Children Board (LSCB) made up of representatives from the agencies and bodies which have regular contact with children or have responsibility for services to them (or their families) in the local area and builds upon the provisions of the Children Act (1989) Act.
- 1.4 As a statutory authority providing services in the community to children and their families the Borough Council is required to co-operate in the establishment, operation, and participation of the LCSB and is a member of the Staffordshire Safeguarding Children's Board (SSCB), which became operational in April 2006. The Borough Council also has a legal responsibility to safeguard, promote wellbeing and protect children when discharging our functions.
- 1.5 The Care Act (2014) introduced a statutory requirement for each local authority to establish a Safeguarding Adults Board (SAB) made up of representatives from the agencies and bodies which have regular contact with adults at risk of abuse and neglect or have responsibility for services to them (or their families) in the local area. The Borough Council is a member of the Staffordshire and Stoke-on-Trent Adult Safeguarding Partnership (SSASP).
- 1.6 The Borough Council participates in the District Safeguarding Sub Group (for Children and Adults at risk of abuse and neglect) and has assisted in the creation of the recently reviewed Safeguarding Children and Adults at Risk of Abuse and Neglect Policy template, which is proposed to be adopted by all participating Districts in Staffordshire.
- 1.7 The Policy seeks to help protect all children and adults at risk of abuse and neglect living in our communities and to support the Borough Council, its staff, elected members and volunteers.
- 1.8 In line with the legal responsibilities from Section 11 of the Children Act 2004, the Council has undertaken an audit to ensure that in discharging our functions we have regard to the need to safeguard and promote the welfare of children. The audit assessment gave the Council the opportunity to highlight areas of strength and to identify areas for further development, which have now been incorporated into the revised Policy.
- 1.9 The Council needs to ensure that it has robust mechanisms in place in order to appropriately co-ordinate safeguarding activity in the Borough. The following individuals have been identified to champion safeguarding within our organisation;
  - Portfolio Holder.
  - Executive Managers - Chief Executive and Director of Operations.
  - Heads of Service – Head of Business Improvement, Central Services and Partnerships and Head of Human Resources.
  - Designated Safeguarding Officer - Partnerships Manager.
  - Deputy Designated Safeguarding Officer – Community Safety Officer (DV Lead).
- 1.10 The Council has identified a number of Officers from each service area, to undertake the roles of 'Safeguarding Champions'. These Officers have received (are receiving) specialist training in this area and will be the point of contact for queries in relation to safeguarding in their Department. They will assist the Designated Safeguarding Officer and Deputy to ensure that all staff are trained appropriately to recognise

safeguarding issues and know where to refer concerns in relation to children and adults at risk of abuse and neglect in our communities.

## **2. Issues**

2.1 The Safeguarding Children and Adults at Risk of Abuse and Neglect Policy and supporting procedure are based on the following principles;

- The welfare of children and adults at risk is the primary concern.
- All children and adults at risk irrespective of their age, culture, disability, gender, language, racial origin, socio-economic status, religious belief and/ or sexual orientation have the right to protection from abuse and harm.
- It is everyone's responsibility to report any concerns about abuse in order that prompt action be taken if required.
- All incidents of alleged poor practice, misconduct and abuse will be taken seriously and responded to swiftly and appropriately.
- All personal data will be processed in accordance with the requirements of the Data Protection Act 1998.

2.2 In order to effectively deliver the principles in 2.1 (above) the Borough Council needs to be able to demonstrate;

- Senior management commitment
- A clear statement of the Council's responsibilities towards children and adults at risk, available for all staff
- A clear line of accountability within the organisation for work on safeguarding and promoting the welfare of children and adults at risk
- Safe recruitment procedures
- Training on safeguarding for all staff working with or in contact with children and families and adults at risk
- Effective inter agency working
- Effective information sharing

## **3. Options Considered**

3.1 Two options were considered;

- To recommend to Cabinet the approval and introduction of the District Safeguarding Children and Adults at Risk of Abuse and Neglect Policy in the Borough (Recommended).
- To recommend to Cabinet that the approval and introduction of District Safeguarding Children and Adults at Risk of Abuse and Neglect Policy should be rejected – thereby placing both the organisation, its key stakeholders and children and adults at risk in danger of harm (Not recommended)

## **4. Proposal and Reason for Preferred Solution**

4.1 That Cabinet approve the adoption and introduction of the Safeguarding Children and Adults at Risk of Abuse and Neglect Policy in the Borough.

4.2 Reasons for the preferred solution include:

4.2.1 Officers have been involved in the development of the Policy with Officers from Staffordshire Safeguarding Children's Board (SCCB) and Staffordshire and Stoke-on-Trent Adult Safeguarding Board (SSASB) to ensure that the Policy is suitable for adoption and introduction in the Borough.

4.2.2 The Council needs to ensure that it has robust mechanisms in place in order to appropriately co-ordinate safeguarding activity in the Borough.

- 4.2.3 The Children Act (1989) and (2004), the Care Act (2014) and the Safeguarding Vulnerable Groups Act (2006) place statutory duties on District Councils to make arrangements to ensure that in discharging their functions they have regard to the need to safeguard and promote the welfare of children and adults at risk of abuse and neglect.
- 4.2.4 The statutory guidance '*Working together to safeguard children: a guide to inter agency working to safeguard and promote the welfare of children (2015)*' provides core legislative requirements regarding the expectations of the role of District Councils working alone or in partnership with other organisations.

## **5. Outcomes Linked to Corporate Priorities**

- 5.1 The Safeguarding Children and Adults at Risk of Abuse and Neglect Policy contributes to meeting the Council's Corporate Priorities for Creating Healthy and Active Communities and Creating a Cleaner, Safer and Sustainable Borough.

## **6. Legal and Statutory Implications**

- 6.1 The Council has statutory duties under the Children Act (1989) and (2004), the Care Act (2014) and the Safeguarding Vulnerable Groups Act (2006) to make arrangements to ensure that in discharging functions we have regard to the need to safeguard and promote the welfare of children and adults at risk of abuse and neglect.
- 6.2 The statutory guidance '*Working together to safeguard children: a guide to inter agency working to safeguard and promote the welfare of children (2015)*' provides core legislative requirements regarding the expectations of the role of District Councils working alone or in partnership with other organisations.

## **7. Equality Impact Assessment**

- 7.1 An Equality Impact Assessment is being developed for this area of work.

## **8. Financial and Resource Implications**

- 8.1 There are no specific additional financial implications or commitments required for the adoption of the Policy.
- 8.2 There are resource implications for Council Officers and Members who are involved in and will co-ordinate safeguarding activity, in particular delivering and participating in training on the Policy and accompanying Procedure and making appropriate referrals, signposting and promoting the Policy and safeguarding activity thereafter.

## **9. Major Risks**

- 9.1 Failure to take appropriate action regarding safeguarding may result in the Council being unable to perform its statutory duties, leaving the Council open to legal challenge.
- 9.2 Failure to take appropriate action regarding safeguarding may lead to a child or adult at risk suffering unnecessary harm.
- 9.3 There is also a risk of reputational damage to the Council if it does not deliver its statutory duties lawfully and effectively.

## **10. Key Decision Information**

- 10.1 The Council has statutory duties to safeguard, promote wellbeing and protect children and adults at risk of abuse and neglect.
- 10.2 This report can be considered key in the following ways: -
- It results in the Borough Council committing existing resources for the function to which the decision relates and;
  - To be significant in terms of its affects on communities living or working in an area comprising two or more electoral wards in the Borough.

**11. Earlier Cabinet/Committee Resolutions**

- 11.1 Safeguarding Children and Vulnerable Adults Protection Policy – January 2014.

**12. List of Appendices**

- 12.1 Appendix 1 - Safeguarding Children and Adults at Risk of Abuse and Neglect Policy 2015.

**13. Background Papers**

- 13.1 None