

NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

**EXECUTIVE MANAGEMENT TEAM'S
REPORT TO CABINET**

12 February 2020

Report Title: Safeguarding Children and Adults at Risk of Abuse or Neglect Policy and Workplace Domestic Abuse Policy Reviews.

Submitted by: Partnerships Manager

Portfolios: Community Safety and Wellbeing

Ward(s) affected: All

Purpose of the Report

To reaffirm to Cabinet the role of the Borough Council in safeguarding children and adults at risk of abuse and neglect and in supporting staff who may be affected by domestic abuse.

Recommendation

- A. That Cabinet approve the reviewed and updated version of the Safeguarding Children and Adults at Risk of Abuse or Neglect Policy for the Borough Council in Newcastle-under-Lyme.**
- B. That Cabinet approve the reviewed and updated version of the Workplace Domestic Abuse Policy for the Borough Council in Newcastle-under-Lyme.**

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 (2018)*' provides core legislative requirements regarding the expectations of the role of District Councils working alone or in partnership with other organisations.

The Safeguarding Children and Adults at Risk of Abuse or Neglect and Workplace Domestic Abuse Policies provides guidance for Council Officers, Members, Partners and the public on how the Council will respond to safeguarding concerns and support staff affected by domestic abuse.

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 Board (SSASPB).

1.6 The Borough Council participates in the District Safeguarding Sub Group (for Children and Adults at risk of abuse and neglect) and has led the review of the Safeguarding Children and Adults at Risk of Abuse and Neglect Policy template, which was used as a template for good practice and adopted by all participating Districts in Staffordshire.

1.7 The Safeguarding 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 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;

- Chief Executive.
- Head of Human Resources and Organisational Development.
- Designated Safeguarding Officer - Partnerships Manager.
- Deputy Designated Safeguarding Officer – Partnerships Vulnerability Officer.

1.9 As part of the Safeguarding Policy, the Council recognises domestic abuse as a form of abuse and in 2013, created a complementary Workforce Domestic Abuse Policy to raise awareness of domestic abuse and demonstrate a commitment to the welfare of staff. This Policy is overdue for a review and so has been considered alongside the review of the Safeguarding Policy.

2. **Issues**

2.1.1 The Safeguarding Policy and supporting procedure is 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.

2.1.2 In order to effectively deliver the principles in 2.1.1 (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

In summary the amendments to the Safeguarding Policy include;

- 2.1.3
- Updates to references made to legislation.
 - Updates to the types of abuse to include contextualised safeguarding.
 - Changes in contact details for the Safeguarding Champions and useful contacts.
 - Inclusion of guidance for staff on responding to threats of suicide.

2.2.1 The Borough Council condemns domestic abuse and recognises that it is both a crime and unacceptable, we are committed to the welfare of our employees and we will support and assist any employee who is experiencing problems related to domestic abuse. We recognise that often a work place can be the first place of identification of domestic violence and it is therefore essential that the Workforce Domestic Abuse Policy is strong and victim centred.

2.2.2 The Workforce Domestic Abuse Policy demonstrates the Council's commitment to reducing domestic abuse and the actions that will be taken in responding to employees who are experiencing domestic abuse and where there are concerns that an employee may be a perpetrator. It aims to create a safer workplace and to send out a strong message that domestic abuse is unacceptable by raising awareness and providing useful guidance to assist managers and colleagues when supporting members of staff who disclose domestic abuse.

In summary the amendments to the Workforce Domestic Abuse Policy include;

- 2.2.3
- Updates to references made to legislation.
 - Changes in contact details for the Points of Contact / Champions and useful contacts.
 - Inclusion of guidance for managers and staff on responding to disclosures of domestic abuse.

3. **Proposal**

3.1 That Cabinet approve the reviewed and updated version of the Safeguarding Children and Adults at Risk of Abuse or Neglect Policy for the Borough Council in Newcastle-under-Lyme.

3.2 That Cabinet approve the reviewed and updated version of the Workplace Domestic Abuse Policy for the Borough Council in Newcastle-under-Lyme.

4. **Reasons for Proposed Solution**

4.1 The Council needs to ensure that it has robust mechanisms in place in order to respond appropriately to safeguarding concerns and disclosures of domestic abuse.

4.2 Reasons for the preferred solution include:

4.2.1 Officers were involved in the initial development of the Policy with Officers from Staffordshire Safeguarding Children's Board (SSCB) and Staffordshire and Stoke-on-Trent Adult Safeguarding Partnership Board (SSASPB) to ensure that the Policy is suitable and effective.

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 (2018)' provides core legislative requirements regarding the expectations of the role of District Councils working alone or in partnership with other organisations.

4.2.5 Both Policies require review every 2 years, to ensure that they are up to date to reflect current working practice, contact information for procedures and any changes / amendments to legislation.

5. **Options Considered**

5.1 For the Safeguarding Policy and the Workforce Domestic Abuse Policy two options were considered;

- That Cabinet approves the updated Policies for delivery in the Borough (Recommended).
- That Cabinet rejects the approval of the updated Policies – thereby placing both the organisation, its key stakeholders and children and adults at risk in danger of harm (Not recommended).

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 (2018)' 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 (using existing resources) for Council Officers and Members who are involved in and will co-ordinate safeguarding activity, in particular delivering and participating in training on the Policies and accompanying Procedures and making appropriate referrals, signposting and promoting the Policies 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 Failure to take appropriate action regarding domestic abuse with employees may affect performance, morale, sickness levels and overall wellbeing of the workforce.

9.4 There is also a risk of reputational damage to the Council if it does not deliver its statutory duties lawfully and effectively.

10. **Sustainability and Climate Change Implications**

10.1 There are no implications.

11. **Key Decision Information**

11.1 This affects communities living or working in an area comprising two or more electoral wards in the Borough.

12. **Earlier Cabinet/Committee Resolutions**

12.1 Safeguarding Children and Adults at Risk of Abuse or Neglect Policy – 2018.

12.2 Workforce Domestic Violence Policy - 2013.

13. **List of Appendices**

13.1 Appendix 1 – Safeguarding Children and Adults at Risk of Abuse or Neglect Policy 2020.

13.2 Appendix 2 – Workforce Domestic Abuse Policy 2020.

14. **Background Papers**

14.1 None.