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# Safeguarding

## Policy Statement



Council of the  
ISLES OF SCILLY

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July 2016

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## REVISIONS TO SOURCE DOCUMENT

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## INTRODUCTION

- 1.1 The primary aim of this policy statement is to emphasise Members', Officers' and contractors' duty of care with regard to safeguarding children and adults with care or support needs. If you have any concerns regarding the safety or welfare of a child or adult with care or support needs, talk to one of the Named Contacts listed in Annex 1 immediately.
- 1.2 The Council of the Isles of Scilly is committed to making sure that everyone living on the islands is safe and protected and that our statutory responsibilities to safeguard children and adults with care or support needs are effectively met.
- 1.3 The Council of the Isles of Scilly's Disciplinary Policy and Code of Conduct makes it clear that failure to report on a safeguarding matter (this could concern a child or an adult with care or support needs) may result in disciplinary proceedings.
- 1.4 Safeguarding children and adults with care or support needs is everybody's business. We all share a responsibility, both corporately and individually, to ensure that every person in society is treated with dignity and respect and protected from others who may abuse them
- 1.5 All council employees, elected members and contractors who come into contact with children or adults with care or support needs in the course of their work have a duty of care to safeguard and promote their welfare and to work to prevent, detect and report neglect and abuse.
- 1.6 As part of the council's commitment to safeguarding, we work actively with our partners under the auspices of the Cornwall and Isles of Scilly Safeguarding Children Board (SCB) and the Cornwall and Isles of Scilly Safeguarding Adults Board (SAB), to ensure that statutory guidance is followed, awareness and good practice are promoted and the children's and adult's workforce is safe and effective.

## WHAT IS SAFEGUARDING?

- 2.1 Safeguarding means protecting people's health, wellbeing and human rights, and enabling them to live free from harm, abuse and neglect.
- 2.2 Safeguarding issues for children and adults are not the same. The definitions and terms used may differ, procedures for reporting abuse and handling cases are not the same and there is different legislation.

## CCHILDREN AND YOUNG PEOPLE

- 2.3 Children and Young People Safeguarding relates to action taken to promote the welfare of children (to the age of 18 years) and protect them from harm.

- 2.4 Safeguarding and promoting the welfare of children is <sup>1</sup>defined as:
- 2.4.1 Protecting children from maltreatment.
  - 2.4.2 Preventing impairment of health or development.
  - 2.4.3 Ensuring that children grow up in circumstances consistent with the provision of safe and effective care.
  - 2.4.4 Taking action to enable all children to have the best outcomes.
- 2.5 Child protection is a part of safeguarding and promoting welfare. This is the activity undertaken to protect specific children who are suffering, or are likely to suffer, significant harm.
- 2.6 Effective child safeguarding arrangements are underpinned by two key principles:
- 2.6.1 Safeguarding is everyone's responsibility: for services to be effective each professional and organisation should play their full part.
  - 2.6.2 A child-centred approach: for services to be effective they should be based on a clear understanding of the needs and views of children.

#### ADULTS

- 2.7 Adult Safeguarding <sup>2</sup>means protecting an adult's (18 years and over) right to live in safety, free from abuse and neglect.
- 2.8 Adult Safeguarding is about people and organisations working together to prevent and stop both the risks and experience of abuse or neglect, while at the same time making sure that the adult's wellbeing is promoted including, where appropriate, having regard to their views, wishes, feelings and beliefs in deciding on any action. This must recognise that adults sometimes have complex interpersonal relationships and may be ambivalent, unclear or unrealistic about their personal circumstances.
- 2.9 The safeguarding duties apply to an adult who:
- 2.9.1 Has needs for care or support (whether or not the local authority is meeting any of those needs).
  - 2.9.2 Is experiencing, or at risk of, abuse or neglect.
  - 2.9.3 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.
- 2.10 Local authority statutory adult safeguarding duties apply equally to those adults with care or support needs, regardless of whether the adult lacks mental capacity or not.
- 2.11 The aims of adult safeguarding are to:
- 2.11.1 Prevent harm and reduce the risk of abuse or neglect to adults with care or support needs.
  - 2.11.2 Stop abuse or neglect wherever possible.
  - 2.11.3 Safeguard adults in a way that supports them in making choices and having control about how they want to live.
  - 2.11.4 Promote an approach that concentrates on improving life for the adults concerned.

- 2.11.5 Raise public awareness so that communities as a whole, alongside professionals, play their part in preventing, identifying and responding to abuse and neglect.
- 2.11.6 Provide information and support in accessible ways to help people understand the different types of abuse, how to stay safe and what to do to raise a concern about the safety or well-being of an adult.
- 2.11.7 Address what has caused the abuse or neglect.

#### **RESPONSIBILITIES OF THE COUNCIL OF THE ISLES OF SCILLY**

- 3.1 The Council has a duty to safeguard and promote the welfare of children and of adults who may be at risk of harm. The council endeavours to ensure that everyone working with, or on behalf of, children and/or adults is competent, confident and safe to do so.
- 3.2 The Council has clear lines of accountability in relation to its work in safeguarding children, young people and adults with care or support needs, and delegated decision-making:
  - 3.2.1 The Director for Children's Services (DCS) has a statutory duty and is accountable for ensuring that satisfactory arrangements are in place to safeguard and promote the welfare of children and young people in the Isles of Scilly.
  - 3.2.2 The Director for Adult Social Services (DASS) has responsibility for improving outcomes for adults with care or support needs, local authority adult social care functions and local co-operation arrangements for adult services.
- 3.3 The Council promotes safer recruitment policy and practices. Disclosure and Barring Service (DBS) checks are undertaken for employees in accordance with statutory and regulatory requirements (Protection of Freedoms Act 2012). Checks are undertaken to ensure that staff, where appropriate, are registered with relevant professional and other bodies e.g. social workers and teachers.
- 3.4 The Council has a range of policies and guidance that encourage and support staff to raise concerns about the safety and welfare of children and/or adults for whom we have safeguarding responsibilities. These include the Whistleblowing Policy, which provides guidance for staff and the public to report concerns about other employees/contractors or about the way the council operates.
- 3.5 The Council endeavours to ensure that, through procurement processes, services commissioned and contracted on its behalf have safeguarding responsibilities built in to contracts and that appropriate policies and staff training are in place. This includes an expectation that any person or organisation using the council premises or resources adheres to the council's safeguarding standards.
- 3.6 Elected Members, led by the Lead Members for children and for adults, have a responsibility to be aware of and support the Council's safeguarding responsibilities and to:
  - 3.6.1 Understand and apply the safeguarding policy and procedure in their activities.

- 3.6.2 Identify opportunities and undertake appropriate training to support them in their role.
  - 3.6.3 Act appropriately at all times and be able to challenge inappropriate behaviour in others.
  - 3.6.4 Be able to recognise harm.
  - 3.6.5 Know how to report any concerns in a timely and appropriate way.
- 3.7 The Council should have designated, trained members of staff for safeguarding. These officers offer advice and guidance and are responsible for ensuring procedures are followed regarding concerns about children, young people and adults at risk or with care or support needs, including allegations against members of staff.
- 3.8 The Council requires that contractors, sub-contractors or other organisations funded by or on behalf of the Council are responsible for applying appropriate DBS checks and that their staff comply with their appropriate Safeguarding Policy. They must also inform relevant Council staff of any concerns they encounter and refer in relation to safeguarding issues.

#### **SAFEGUARDING RESPONSIBILITIES OF COUNCIL EMPLOYEES**

- 4.1 All employees are expected take all reasonable steps to ensure the safety of any child or adult with care or support needs involved in any activity or interaction for which they are responsible. Any person responsible for, or working with, children or adults with care or support needs in any capacity, whether paid or unpaid, is considered, both legally and morally, to owe them a duty of care. This includes a duty to behave in a manner that does not threaten, harm or put people at risk of harm from others.
- 4.2 All employees also have a responsibility to conduct themselves in their private lives in a manner that does not compromise their position in the workplace or call in to question their suitability to work with children or adults with care or support needs.
- 4.3 All employees should:
  - 4.3.1 Be alert to the possibility of abuse and neglect.
  - 4.3.2 Participate in relevant safeguarding training and multi-agency partnership working to safeguard children and adults.
  - 4.3.3 Be familiar with local procedures and protocols for safeguarding children and adults with care or support needs and follow the employer's and any relevant professional codes of conduct.
  - 4.3.4 Report any concerns about the safety or welfare of a child or adult.
- 4.4 All employees working for or on behalf of the council have a duty to report any protection or welfare concerns about a child or adult with care and support needs.

## COMMUNICATION, TRAINING AND SUPPORT

- 5.1 There must be clear and well understood lines of accountability and support regarding safeguarding in each service area throughout the council. These must be clearly understood and supported by relevant staff guidance, the code of conduct and disciplinary procedures.
- 5.2 Managers must ensure that all Council employees are familiar with the policy and procedures and that the responsibility for all staff to ensure that the policy is advocated and promoted to partner organisations, parents and children and adults with care or support needs.
- 5.3 Safeguarding responsibilities for all employees must be included in recruitment materials, including job descriptions, and routinely discussed as part of management and supervision processes.
- 5.4 All employees whose work brings them into contact with children and/or adults with care or support needs or who are at risk should complete any mandatory training appropriate to their role, in addition to basic awareness safeguarding training. This is available through the Council's e-learning facility and through induction materials and other literature.
- 5.5 More specialist single and inter-agency training opportunities are available for those who work routinely with children and young people and/or adults with care or support needs, or who are at risk, at a level appropriate to their role and responsibilities (see further information below).
- 5.6 Advice can be sought and referrals should be made to the Senior Officer: Children's Social Care Manager or Senior Officer: Adult Social Care as relevant (see contact details below).
- 5.7 Allegations about people who work with children are dealt with by the Local Authority Designated Officer (LADO) (see contact details below).
- 5.8 For further guidance see the SCB Safeguarding Children Procedures and the SAB Safeguarding Adults Policy and Procedures.

## LEGAL CONTEXT

- 6.1 The Council has a duty under section 11 of the Children Act 2004 to ensure that it considers the need to safeguard and promote the welfare of children when carrying out their functions.
- 6.2 The Care Act 2014 extends the scope of the Human Rights Act (1998) and sets out a clear legal framework for how local authorities and other statutory agencies should protect adults with care or support needs at risk of abuse or neglect.

- 6.3 The Mental Capacity Act 2005 provides a statutory framework for people who lack capacity to make decisions for themselves, or who have capacity and want to make preparations for a time when they may lack capacity in the future. An assessment of someone's capacity is an integral part of a safeguarding assessment.

## MONITORING AND REVIEW

- 7.1 The monitoring of the policy statement across the Council will be carried out in a range of ways, including through internal audit and HR recruitment, induction processes, performance challenge and through Working Together Section 11 audits by the SCB.
- 7.2 This Safeguarding Policy will be reviewed every three years or sooner in the event of changes in legislation, changes in named contacts, or working practices which may result from incidents or allegations.

## Annex 1. NAMED CONTACTS

Aisling Hick	Senior Manager: Services to our Community (DCS and DASS)	01720 424034
Lynn Plummer	Senior Officer: Children's Social Care Manager	01720 424040
Gareth Peters	Senior Officer: Adult Social Care	01720 424264
Jane Foster	Local Authority Designated Officer	0207 6416108

## Annex 2. RELEVANT POLICIES AND PROCEDURES

Whistleblowing Policy

Equal Opportunities Policy

Recruitment and Selection Policy including Safer Recruitment.

Data Protection Policy: Data Protection Act 1998.

Disciplinary Policy

Code of Conduct for Local Government Employees

Code of Conduct for Members and co-opted Members of the Council of the Isles of Scilly

## Annex 3. STATUTORY GUIDANCE

<sup>1</sup>Working Together to Safeguard Children (2015). (Children Act 2004). Department of Education

<sup>2</sup>Care and support statutory guidance (2016). Department of Health