

PAPER NO. 10

REPORT TO THE EXECUTIVE MEETING OF 25 MARCH 2013

Meeting: Executive
Date: 25th March 2013
Subject: *Adoption of new separated Children and Young People's Safeguarding Policy and Adults in Need of Safeguarding Policy*
Report of: Stella Renwick – Children's Rights Co-ordinator
Portfolio Holder: Cllr Paul Dann
Status: For Decision

1 Purpose of the Report

- 1.1 To update members on the review of the Leicestershire District and Borough Councils Children and Vulnerable Adults Safeguarding Policy and Procedures. The review proposes adoption of two separate policies – Children's Safeguarding Policy and Procedures, and Adults in Need of Safeguarding Policy and Procedures. It also proposes that agreement is given for delegated authority be given to a nominated member of CMT to update the policies and procedures in line with all District and Borough Council joint alteration decisions.

2 Recommendations:

- 2.1 To adopt the new Children and Young People's Safeguarding Policy and Procedure, and the new Adults in Need of Safeguarding Policy and Procedure, in view of the safeguarding duties of HDC in relation to the Children's Act 2004, and the government guidance "Working Together to Safeguard Children" (DFE 2010), and the 'No Secrets' guidance (Department of Health, 2000; and
- 2.2 Authorise the Assistant Director –Corporate Resources to update the policies and procedures adopted under 2.1 above in line with all District and Borough Council joint alteration decisions.

3 Summary of Reasons for the Recommendations

- 3.1 The rationale behind separating the policies is that more specific legislation is available to children's safeguarding than to adults, and it was the conclusion of the Joint District and Borough Councils working group (within the District Implementation Group) involved in the policy development that the combined policy was confusing in terms of the two quite distinct legislative areas. Separate policies now clearly outline the key legislative support to each group.

- 3.2 Additionally, there are some specific categories of abuse that apply to adults in need of safeguarding which do not apply in children's safeguarding. Again, it was felt by the Joint District and Borough Councils working group that combining these in one document was confusing.
- 3.3 The Procedures associated with the policies are also quite distinct in terms of specific considerations of safeguarding practices in relation to the two different groups. The working group considered that a separate Adults in Need of Safeguarding Procedure is needed.
- 3.4 Review of the policies takes place annually in line with all District and Borough Councils in Leicestershire. Minor changes or new inclusions to incorporate recommendations from a national perspective that do not intrinsically alter the purpose of the policy can be completed without the need to refer to the Executive annually. Any fundamental changes in legislation that affect Council responsibilities would be referred to the Executive for adoption.

4 Impact on Communities

- 4.1 Modern safeguarding practice contains both protection and promotion elements. In any activities or services organised or promoted by HDC, safeguarding should be a central concern and this emphasis should be clearly communicated to partners. The phrase "Everybody's Business" has been used in national promotional campaigns to highlight the individual responsibility of everyone in the community to be alert to the possibility of abuse of children and young people, and to take appropriate action if it is suspected. Staff at HDC are trained to be alert both in work time, and outside of work time.

5 Key Facts

- 5.1 The Council adopted the Safeguarding Children and Vulnerable Adults Policy on 8th September 2008 as part of a countywide District Councils development, to have one common policy from which all Councils would work. This was to ensure that all District Council Safeguarding policies in Leicestershire met the requirements of the Children Act 2004 appropriately. Sharing a common policy means simplification and a sharing of expertise when there is need for review and revision, and a common understanding of implementing best practice across all Districts. The latest revision in March 2010 was approved by the HDC Executive.
- 5.2 The development of two new separate policies and sets of procedures for children, and for adults in need of safeguarding was organised through the District Implementation Group (DIG), for the Leicestershire Children and Young People Plan, in partnership with District and Borough HR departments and District and Borough Officers responsible for Children and Young People's services, as well as those responsible for safeguarding adults. Guidance for the policy development was received from the Leicestershire and Rutland Safeguarding Adults Board and the Leicestershire, Leicester and Rutland Local Safeguarding Children Board.

6 Legal Issues

- 6.1 The Children Act 2004 is the latest legislation to support the protection and support of children and young people. It enshrines the Every Child Matters green paper. Section 11 of this Act sets out the District Council's responsibilities to ensure they safeguard and promote the welfare of children and young people. The purpose of this section is to create an organisational culture and ethos of safeguarding. Section 10 sets out the duty to share information between relevant professionals and agencies.
- 6.2 Guidance is available through the key government texts – “Working Together to Safeguard Children” (DfES 2006 (revised 2010)), and “Statutory Guidance on making arrangements to safeguard and promote the welfare of children under section 11 of the Children Act 2004”.
- 6.3 Guidance relating to adults in need of safeguarding is available through the Department of Health “No Secrets” Guidance (2000). A variety of other legislation impacts on adults in need of safeguarding, but there is currently no one single act of a similar nature to the Children Act 2004.

7 Resource Issues

- 7.1 The Children's Rights Co-ordinator is responsible for managing the on-going development of the Children and Young People's Safeguarding Policy in conjunction with the DIG County group, which reports to the County Children and Young People's Executive. This post is also responsible for development and delivery of the HDC Safeguarding training programme, support of DSO's, monitoring of Incidents, and promotions to staff of their safeguarding responsibility. The Housing Services Manager is assigned to issues relating to adults in need of safeguarding, and is the designated link to County Council bodies responsible for this area of work.

8 Equality Impact Assessment Implications/Outcomes

- 8.1 The Equality Impact Assessment is considered to have been fulfilled at a County level through the original policy and procedure development in 2008, which involved all the partners identified in this report.

9 Impact on the Organisation

- 9.1 Adoption of the Children and Young People's Safeguarding Policy is crucial to HDC fulfilling its safeguarding duties under the Children's Act 2004, and meeting the recommendations for District Councils in the “Working Together to Safeguard Children” (DfES 2006 (revised 2010)). Aligning HDC practices to the Leicestershire wide Multi-Agency Strategy for Safeguarding Adults is considered imperative to effectively support vulnerable adults in the community. There are no negative impacts on the organisation as a result of

separating the policies. All staff will continue to receive training that covers both safeguarding policies.

- 9.2 The Supporting Leicestershire Families Programme will not use the HDC Policy and Procedures, but will refer to LCC Safeguarding Policies. Our District Policies and Procedures are suitable for the type of community contact and involvement within the various different HDC departmental operations.

10 Community Safety Implications

- 10.1 Within the body of the report – Safeguarding is an element of a wider community safety agenda.

11. Carbon Management Implications

- 11.1 Where possible the training courses make use of electronic resources to save or reduce carbon footprint. Training is held during normal working hours to reduce staff travel requirements. Documents are available on the intranet so there is no waste from revisions. An E-learning option is available for basic staff training.

12. Risk Management Implications

- 12.1 HDC must fulfil its statutory duty in relation to the Children Act 2004 as detailed in the above report and must be responsive to changes in legislation relating to Safeguarding, and any legislation relating to adults in need of safeguarding. Significant harm to the Council reputation could result if there was a failure to follow the safeguarding procedure that resulted in a local tragedy, or if system inadequacy was identified through the County-wide Ofsted inspection of children's services.

13 Consultation

- 13.1 As the consultation took place at a County level during the policies development period, with input from the two Safeguarding Boards via the District Implementation Group, further District consultation was not considered necessary, and this was approved by the HDC Safeguarding Strategy Group.

14 Options Considered

- 14.1 Not Applicable

15 Background Papers

- 15.1 (Appendix E has been included for comparison purposes only)
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Previous report(s): 20th April 2010

Information Issued Under Sensitive Issue Procedure: Y/N No

Ward Members Notified: Y/N No

Appendices: *list any appendices here including title and filename in brackets (e.g. Performance Data 2010 (perfdata.doc)).*

A. Leicestershire District and Borough Councils' Children and Young Person's Safeguarding Policy (Children's Safeguarding Policy - v. Jan 2012.doc)

B. Leicestershire District and Borough Councils' Children and Young Person's Safeguarding Guidelines (Children's Safeguarding Policy Procedures - v. Jan 12.doc)

C. Leicestershire District and Borough Councils' Adults in Need of Safeguarding Policy (Adults in Need of Safeguarding Policy Jan 2012.doc)

D. Leicestershire District and Borough Councils' Adults in need of Safeguarding Guidelines (Adults in need of Safeguarding Guidelines - v. Jan 12.doc)

E. Children and Vulnerable Adults Safeguarding Policy and Procedures - March 2010 (Children and Vulnerable Adults Safeguarding Policy - v. March 2010.doc)