

Safeguarding Children and Adults at Risk of Abuse and Neglect Policy and Procedure

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Section 1

1.1 Introduction

All children ¹and adults with care and support needs who are at risk of abuse and neglect ² have the right to live their lives to the fullest potential, to be protected, to have the opportunity to participate in and enjoy any activity, and to be treated with dignity and respect.

East Staffordshire Borough Council has both a moral and legal obligation to ensure a duty of care for children and adults across its services. The Borough Council is committed to ensuring that all children and adults are protected and kept safe from harm whilst engaged in services organised and provided by the Council. We believe that safeguarding is everybody's responsibility.

The purpose of this Policy and its associated procedures is to help protect all children and adults, including those living in our communities placed in our care within our services and to protect East Staffordshire Borough Council, its staff, elected members and volunteers.

1.2 Policy Statement and Scope

The scope of this Policy is to understand the Borough Council legislative framework, to outline the procedures to be followed and to identify the relevant contacts in relation to safeguarding children and adults at risk. The Policy covers Safeguarding Children and Adults.

East Staffordshire Borough Council has a legal responsibility to safeguard, promote wellbeing and protect children and adults.

This will include

- Respecting and promoting the rights, wishes and feelings of children and adults
- Raising the awareness of the duty of care responsibilities relating to children and adults throughout the Council.
- Promoting and implementing appropriate procedures to safeguard the well-being of children and adults to protect them from harm.
- Creating a safe and healthy environment within all our services, to protect all parties and reduce the risk of abuse or allegations of abuse from occurring.

¹ 'Children' for the purposes of these guidelines are defined as those aged under 18 years

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.

- Recruiting, training, supporting and supervising staff, elected members and volunteers to adopt best practice to safeguard and protect children and adults at risk from abuse, and to also minimise any risks to themselves.
- Responding promptly to any suspicions or allegations of misconduct or abuse of children or adults in line with the Staffordshire Safeguarding Children Board (SSCB) inter-agency policies and procedures for safeguarding children and promoting their welfare; and the Staffordshire and Stoke on Trent Adult Safeguarding Partnership Adult Safeguarding Enquiry procedures
- Requiring staff, elected members and volunteers to adopt and abide by the Council's Safeguarding Policy and Procedures, codes of conduct and associated procedures.
- Reviewing and evaluating this policy and procedure on an annual basis or in line with best practice, changing legislation, organisational requirements and service delivery.
- Ensuring representatives, including partnerships with private, voluntary or contracted organisations, of East Staffordshire Borough Council who have contact with children, young people or adults are subject to safer recruitment procedures.

1.3 Principles

This policy and supporting procedures are based on the following principles

- The welfare of children and adults is the primary concern.
- All children and adults 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 act on any concerns about abuse in order that children and adults are appropriately safeguarded.
- 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.

1.4 Supporting Documents/Legislation

This policy should be read in conjunction with a number of additional policies and legislative documents, listed in Appendix B.

Section 2

Procedure Guide

2.1 Introduction

This set of procedures and guidelines sets out how East Staffordshire Borough Council will implement the Safeguarding Children and Adults at Risk of Abuse and Neglect Policy. It is to be used by all staff that come into contact with those who fall under the definition of the procedure, or those who are responsible for managing services that affect these individuals or groups.

The procedure guide is intended to be used in conjunction with the policy document, and other supporting individual service procedures. See appendices for detail.

2.2 Definitions used within the procedure

- The term children or young person is used to refer to anyone under the age of 18 years in accordance with the Children Act 1989.
- All the policies and procedures described within this document refer to adults as well as children.
- Adults at risk for the purposes of this procedure are 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 term staff, elected members and volunteers is used to refer to employees, borough councillors, volunteers and anyone working on behalf of, delivering a commissioned service for or representing the Council.

2.3 Recognition of Abuse including Neglect and Bullying

Recognising abuse is not easy, and it is not the responsibility of council staff, elected members or volunteers to decide whether or not abuse has taken place or if there is significant risk. The Council has a responsibility to act if we think it may be happening.

Abuse and neglect are forms of maltreatment of a child or adult. Somebody may abuse a child or adult by inflicting harm, or by failing to act to prevent harm. Children and adults may be abused in a family or in an institutional or community setting; by

those known to them or, more rarely, by a stranger for example via the internet. They may also be abused by an adult or adults, or by another child or children.

2.4 Types and Signs of Abuse

Within the relevant legislation or statutory guidance there are four known categories of abuse identified for children and 10 categories of abuse noted for adults.

Children and Adults

Physical, emotional (or psychological), sexual and neglect.

Adults

Physical, emotional (or psychological), sexual, financial, discriminatory, organisational, domestic abuse, modern slavery, neglect and acts of omission and self-neglect.

Further details about examples and signs of abuse are detailed in Appendix C as a guide to help with the assessment process and the work with children, adults and their families.

Staff should also have an awareness of other types of abuse including Domestic Violence and abuse; Hidden harm; Child Sexual Exploitation; Forced Marriage; Female Genital Mutilation; Modern Slavery/Trafficking; Race and Racism; Hate Crime; and individuals who are vulnerable to being drawn into violent extremism and/or terrorism.

Definitions of these types of abuse are included in Appendix C of this Policy.

2.5 Risks that increase the likelihood of abuse happening

There are certain situations and factors that put people at particular risk of abuse. If one or more of these factors are present, it does not mean that abuse will occur but that it will increase the risk.

Details about the factors that could increase the likelihood of abuse occurring for both children and adults are included in Appendix C.

It is possible to limit the situations where the abuse of children and adults at risk may occur, by promoting good practice to all staff and elected members, for further information please see Appendix F.

2.6 Responding to Disclosure, Suspicions and Allegations

Council employees/ elected members/ volunteers may come across cases of suspected abuse either through direct or indirect contact with children and adults, for example, running a holiday activity, or for peripatetic staff visiting homes as part of their day to day work. It is not an employee's/ elected members/ volunteer's responsibility to decide whether or not a child or adult has been abused. Council employees/ elected members/ volunteers that suspect abuse have a responsibility to

act and report their concerns immediately to ensure that any relevant information is passed to the appropriate team. **(See Appendix A(i) and A(ii)).**

2.7 Responding to Disclosure

Abused children and adults at risk are more likely to disclose details of abuse to someone they trust and with whom they feel safe. By listening and taking seriously what the child or adult is saying employees/ elected members/ volunteers are already helping the situation.

The following points are a guide to help employees respond appropriately:

Dos and Don'ts	
Do	Don't
<ul style="list-style-type: none"> • React calmly so as not to frighten them. Making safeguarding personal by seeking the views and wishes of the adult at risk in relation to the safeguarding concern. • Take what the person says seriously, recognising the difficulties inherent in interpreting what is being said by a person who has for example a speech impairment and / or differences in language • Avoid asking leading or direct questions other than those seeking to clarify your understanding of what the person has said. They may be subsequently formally interviewed by the Police and/or Children's Social Care (CSC) and they should not have to repeat their account on several occasions. The first person told may become at witness at court if they have asked/gained direct relevant information. • Reassure the child or adult at risk that they are right to tell. • Explain to them that concerns may have to be shared with someone who is in a position to act. • Make a written record of what has 	<ul style="list-style-type: none"> • Dismiss the concern • Panic • Allow your shock or distaste to show • Probe for more information than is offered • Speculate or make assumptions • Make negative comments about the alleged abuser • Make promises or agree to keep secrets • Ask the child, young person, adult at risk of abuse and neglect or any witnesses to sign your written information as this may be significantly detrimental to any subsequent police investigation • Do not take photographs of any alleged injuries. Any such recording must only be done by an approved medical or other practitioner, following referral. • Examine injuries

been disclosed at the earliest opportunity using the council's initial concerns form (See Appendix C)	
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2.8 Responding to Concerns

It is the responsibility of the individual employee, elected member or volunteer to take action where there are safeguarding concerns.

The employee, elected member or volunteer must make a record of the concern using the initial concerns form in **Appendix D**. All concerns must be shared with the Designated Safeguarding Officer or Deputy. If neither these are available then contact First Response.

When recording concerns staff should include the following:

- The date and time
- The child or adult's name, address and date of birth
- The nature of the abuse
- A description of any visible injuries
- Observations – e.g. a description of the child or adult's behaviour and physical and emotional state
- What the child or adult said and what was said in reply. Please record this as accurately as possible, using their choice of language
- Any action taken as a result of the concerns being raised e.g. who was spoken to and resulting actions. Include names, addresses and telephone numbers and whether an early help assessment has been started/ completed
- Sign and date what has been recorded
- Store the information in accordance with relevant procedures, e.g. Data Protection
- Report to and inform the Council's Designated Safeguarding Officer Claire Bell and your line manager.

2.9 Concerns relating to a child

If concerns are raised in relation to a child, then this information can be recorded on a multi-agency referral form (MARF). This ensures you have all the information to hand **before** making a referral (where appropriate) The MARF can be downloaded from the SSCB website <http://www.staffsscb.org.uk/procedures>

Actions to be taken by the Elected Member/ Employee/ Volunteer/ Designated Officers/ and Senior Managers

- If after discussion with the Designated Safeguarding Officer and/or reviewing the SSCB Thresholds document³ it is evident that the child or young person is at **risk of significant harm**, a call must be made to Staffordshire Children's Advice and Support on 0300 111 8807 (between 8.00 am and 5.30 pm and 4.30 pm on a Friday). Outside of 8.00 am and 5.30 pm any child protection concerns should be directed to Staffordshire County Council Emergency Duty Service on 0345 604 2886.
 - If the line is busy First Response will accept a brief email with your contact details. This can be sent to first@staffordshire.gov.uk (please note this should not include any confidential details about a child or young person). In the email explain that it is a child protection⁴ concern.
 - First Response will ask you for a range of information, all of which is listed on the MARF. They will also ask you what your concerns are and what evidence you have to demonstrate that the child or young person is at risk of significant harm, so it's important to have as much information as possible before you make the call but this shouldn't delay it either. Call takers will also want to know if an early help assessment has been completed. If you're not sure you can contact your Local Support Team (LST)
- **In an emergency where someone is at risk of immediate harm - dial 999**

2.10 Concerns relating to an adult

- If you have concerns about an adult record the same information as before and then seek advice from the Contact Centre on **0345 604 2719**.

***Where there is any possibility that a criminal act may have been committed care should be taken not to take any action that may jeopardise any subsequent criminal investigation.**

All reported concerns must be discussed prior to making a referral with the agency's Designated Safeguarding Officer(s). If this person(s) is not available, either because they are on annual leave or off sick then any concerns should be discussed with a nominated deputy who will take responsibility for safeguarding when the designated safeguarding officer is unavailable. The Designated Officer/ Deputy should also ensure that the employee reporting the incident is reassured that they have access to staff support if needed.

³ <http://www.staffsscb.org.uk/threshold-framework-2>

⁴ Working together 2018 page 106 appendix A - explains what child protection is: It is part of safeguarding and promoting welfare. This refers to the activity that is undertaken to protect specific children who are suffering, or are likely to suffer, significant harm.

2.11 Safeguarding children and consent

It is important for professionals to discuss their concerns with the child (where appropriate) and family because it can help to resolve issues that otherwise would not warrant a referral to First Response. Discussing concerns early on also builds trust and encourages parents to work with professionals; this in turn keeps children safe and prevents issues escalating. However, there may be circumstances where parents refuse to give consent and it is in this instance that, employees, members or volunteers should make a judgement as to whether, without help, the needs of the child would escalate.

Consent is **not** required for referrals that meet the threshold for significant harm (i.e. child protection); however you, as the referring professional, must inform parents or carers that you are making a referral as stated above, unless by alerting them you could be putting that child or others at risk. If you have not spoken to the parent/carer, First Response will ask you to do so before they proceed with the call.

2.12 Adult safeguarding referrals and Consent

It is important that professionals discuss safeguarding concerns with the adult (if appropriate to do so) and gain their consent to make an adult safeguarding referral. However, information can be shared without consent if there is an overriding public or vital interest;

- Risk of harm to the wellbeing and safety of the adult or others
- Other adults or children could be at risk
- It is necessary to prevent crime or a crime may have been committed
- The person lacks capacity to consent

2.13 Safeguarding Enquiries

There may be a number of strands to a child or adult safeguarding enquiry e.g. Professional strategy meetings, child protection conferences and core groups, criminal investigations joint evaluation meetings (under Staffordshire LADO procedures) as well as disciplinary investigations. Elected members/ employees/ volunteers may need to be involved as witnesses, holders of key information, or in regard to ongoing processes around protection and welfare.

2.14 Early Help - Responding to lower level concerns in relation to children that do not meet the threshold for significant harm

Staff, members and volunteers may come into contact with children and families that need additional support and help. It is important that action is taken early to enable children to have the best outcomes. There are a range of agencies that can provide early help and support to children and families. The overall aim of early help is to support children, young people and families at the earliest possible stage of a

problem emerging to prevent them from reaching crisis point and the need for statutory intervention.

The Local Support Team can provide early help to children and families, consent should be obtained from parents/carers for a request for support to be made to the Local Support Team. Staff can also seek advice from the Designated Safeguarding Officer in relation to dealing with lower level concerns; further information on Early Help is available at <http://www.staffsscb.org.uk/working-together-to-safeguard-children/early-help-strategy>

2.15 Responding to allegations against Staff and Volunteers

Detailed procedures and guidance relating to the management of allegations against people who work with children are contained within the following documents:

- Working Together to Safeguard Children (2018) Chapter 2
<https://www.gov.uk/government/publications/working-together-to-safeguard-children-2>
- SSCB inter-agency procedures:

It is essential that any concerns for the welfare of a child arising from abuse or harassment by a member of staff or a volunteer should be reported **IMMEDIATELY** to the Designated Safeguarding Officer Joanne Barrington and the Human Resources Manager Linda McDonald.

If the matter does not meet the threshold for significant harm the Designated Safeguarding Officer/ Deputy will contact First Response and speak to the Local Authority Designated Officer (LADO) within 24 hours on 0300 111 8007.

The LADO is a statutory role in relation to allegations against children⁵. They provide an 'Initial Discussion' which allows for the giving of advice and guidance relating to the most appropriate way of managing the allegation or concern, and most importantly will help establish what the 'next steps' should be in terms of investigating the matter further.

The LADO will liaise with Police and children's social care safeguarding teams when appropriate, and also discuss with the Designated Safeguarding Officer or Deputy other issues such as – notifying the child's parents/carers; suspending the adult; risks to other children; communication with relevant other organizations/bodies; supporting the adult and possible media interest. The LADO will also monitor the progress of an investigation and assist an employer in the taking of any difficult judgments about a person's suitability to remain in the children's workforce.

⁵ As defined in Working Together (2018)

If the allegation is in respect of abuse or harassment of an adult, the Council's Designated Safeguarding Officer will make a referral to Contact Centre 0345 604 2719

2.16 Support for the Referrer

The Council will fully support and protect all elected members/ employees/volunteers who, in good faith (without malicious intent), make a referral about a colleague who may be abusing a child or adult and report his or her concern about a colleague's practice.

The Council also has a whistle blowing procedure which a referrer can follow if there are reasons why the standard procedures for dealing with allegations make them feel particularly vulnerable, or if they consider their concerns are not being acted upon appropriately. However, all staff have a duty to safeguard and promote the welfare of children and adults at risk and in order to investigate concerns robustly it may not be possible to maintain complete anonymity, but the interests of the referrer will be protected when concerns are raised.