

Lostwithiel Town Council

Safeguarding Policy

Safeguarding Children, Young People and Adults

The safeguarding lead is: Town Clerk - Mrs Sandra Harris

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Purpose of Policy

To set out the duty to safeguard and promote the welfare of children, young people and adults and how this will be implemented by Lostwithiel Town Council in the discharge of its duties. This is a joint policy as there are similarities in many of the actions needed to safeguard children and young people and to safeguard adults. However, the Council recognises that there are also some distinct differences between these groups and these are reflected in this document and the relevant supporting policies and guidance.

Policy Statement

To develop procedures and good practice within Lostwithiel Town Council to ensure that each person can demonstrate that there is an understanding of the duty to safeguard and promote the welfare of children, young people and adults. To provide evidence of how this is being implemented within its own organisation and of its plans to address any gaps in these arrangements.

Policy Application

This policy applies to all members of staff of Lostwithiel Town Council, all Lostwithiel Town Council Elected and Co-opted Members and all those organisations who have a working relationship with the Council including external suppliers of services and volunteers.

All partners and wholly owned companies should have regard to the Lostwithiel Town Council policy and ensure their individual policies are not at odds with it.

Lostwithiel Town Council expects that any organisation wishing to provide, or providing, services where staff are employed to work directly or indirectly with children, young people or vulnerable adults are able to demonstrate standards of safeguarding commensurate with those expected of statutory organisations.

Introduction

Safeguarding is everyone's responsibility and all staff have a responsibility to safeguard and promote the welfare of children, young people and adults.

There is a duty on organisations to make appropriate arrangements to safeguard and promote the welfare of children and adults. Also government guidance makes it clear that it is a shared responsibility, and depends upon effective joint working between agencies and professionals that have different roles and expertise.

Safeguarding Children and Young People

Working Together (2018) guidance covers:

 the legislative requirements and expectations on our services to safeguard and promote the welfare of children

The document replaces Working Together to Safeguard Children (2015); The Framework for the Assessment of Children in Need and their Families (2000); and Statutory guidance on making arrangements to safeguard and promote the welfare of children under section 11 of the Children Act 2004 (2007).

Safeguarding children - the action we take to promote the welfare of children and protect them from harm - is everyone's responsibility. Everyone who comes into contact with children and families has a role to play.

Ultimately, effective safeguarding of children can only be achieved by putting children at the centre of the system, and by every individual and agency playing their full part, working together to meet the needs of our most vulnerable children.

Definition

A child is "anyone who has not yet reached their 18th birthday. 'Children' therefore means 'children and young people' throughout. The fact that a child has reached 16 years of age, is living independently or is in further education, is a member of the armed forces, is in hospital or in custody in the secure estate for children and young people, does not change his or her status or entitlement to services or protection under the Children Act 1989. (See Children's Act 2004)

Key Principles:

Effective safeguarding arrangements in every local area should be underpinned by two key principles:

- safeguarding is everyone's responsibility: for services to be effective each professional and organisation should play their full part; and
- a child-centred approach: for services to be effective they should be based on a clear understanding of the needs and views of children.

What does this mean?

"Safeguarding and promoting the welfare of children" means:

- protecting children from maltreatment;
- preventing impairment of their health or development;
- ensuring that they grow up in circumstances consistent with the provision of safe and effective care; and
- taking action to enable all children to have the best outcomes.

Working Together (2018) aims to help professionals understand what they need to do, and what they can expect of one another, to safeguard children. It focuses on core legal requirements, making it clear what individuals and organisations should do to keep children safe. In doing so, it seeks to emphasise that effective safeguarding systems are those where:

- the child's needs are paramount, and the needs and wishes of each child, be they a baby or infant, or an older child, should be put first, so that every child receives the support they need before a problem escalates;
- all professionals who come into contact with children and families are alert to their needs and any risks of harm that individual abusers, or potential abusers, may pose to children;
- all professionals share appropriate information in a timely way and can discuss any concerns about an individual child with colleagues and local authority children's social care;
- high quality professionals are able to use their expert judgement to put the child's needs at the heart of the safeguarding system so that the right solution can be found for each individual child;
- all professionals contribute to whatever actions are needed to safeguard and promote a child's welfare and take part in regularly reviewing the outcomes for the child against specific plans and outcomes.

If staff have concerns about the outcome of a referral they are to escalate the concern by contacting the Designated Safeguarding Lead or if not appropriate, the Town Clerk.

Staff will be aware of the main categories of abuse against children and young people:

• **Physical** - A form of abuse which may involve hitting, shaking, throwing, poisoning, burning or scalding, drowning, suffocating or otherwise causing physical harm to a child. Physical harm may also be caused when a parent or carer fabricates the symptoms of, or deliberately induces, illness in a child.

- **Sexual** Involves forcing or enticing a child or young person to take part in sexual activities, not necessarily involving a high level of violence, whether or not the child is aware of what is happening. The activities may involve physical contact, including assault by penetration (for example, rape or oral sex) or non- penetrative acts such as masturbation, kissing, rubbing and touching outside of clothing. They may also include non-contact activities, such as involving children in looking at, or in the production of, sexual images, watching sexual activities, encouraging children to behave in sexually inappropriate ways, or grooming a child in preparation for abuse (including via the internet). Sexual abuse is not solely perpetrated by adult males. Women can also commit acts of sexual abuse, as can other children.
- **Emotional** The persistent emotional maltreatment of a child such as to cause severe and persistent adverse effects on the child's emotional development. It may involve conveying to a child that they are worthless or unloved, inadequate, or valued only insofar as they meet the needs of another person. It may include not giving the child opportunities to express their views, deliberately silencing them or 'making fun' of what they say or how they communicate. It may feature age or developmentally inappropriate expectations being imposed on children. These may include interactions that are beyond a child's developmental capability, as well as overprotection and limitation of exploration and learning, or preventing the child participating in normal social interaction. It may involve seeing or hearing the ill-treatment of another. It may involve serious bullying (including cyber bullying), causing children frequently to feel frightened or in danger, or the exploitation or corruption of children.
- **Neglect** The persistent failure to meet a child's basic physical and/or psychological needs, likely to result in the serious impairment of the child's health or development. Neglect may occur during pregnancy as a result of maternal substance abuse. Once a child is born, neglect may involve a parent or carer failing to:
 - provide adequate food, clothing and shelter (including exclusion from home or abandonment);
 - protect a child from physical and emotional harm or danger;
 - ensure adequate supervision (including the use of inadequate care- givers); or
 - ensure access to appropriate medical care or treatment.

It may also include neglect of, or unresponsiveness to, a child's basic emotional needs.

Legislative background

Working Together (2018) is issued under:

 section 11 (4) of the Children Act 2004 which requires each person or body to which the section 11 duty applies to have regard to any guidance given to them by the Secretary of State; and section 16 of the Children Act 2004, which states that local authorities and each of the statutory partners must, in exercising their functions relating to Local Safeguarding Children Boards, have regard to any guidance given to them by the Secretary of State.

Lostwithiel Town Council recognises that, under the Children Act 2004, it has a statutory duty to make arrangements to ensure all its functions are discharged having regard to safeguarding and promoting the welfare of children in its facilities.

Lostwithiel Town Council will ensure that all members of staff across the whole Council know or can easily find out what they need to do if they have a concern about the abuse of children or young people.

Safeguarding Adults

Definition

The Care Act 2014 sets out statutory duties for safeguarding adults. Under section 42 of the Care Act 2014, 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 be referred to as the *adult* throughout this policy.

What do we want to achieve?

Lostwithiel Town Council works to the Care Act – Six key principles of adult safeguarding (Care Act Guidance, paragraph 14.13):

- **Empowerment** People being supported and encouraged to make their own decisions and informed consent.
- **Prevention** It is better to take action before harm occurs.
- **Proportionality** The least intrusive response appropriate to the risk presented.
- **Protection** Support and representation for those in greatest need.
- **Partnership** Local solutions through services working with their communities. Communities have a part to play in preventing, detecting and reporting neglect and abuse.
- Accountability Accountability and transparency in delivering safeguarding.

Lostwithiel Town Council will ensure that all members of staff across the whole Council know or can easily find out what they need to do if they have a concern about the neglect or abuse of adults.

What does this mean?

Lostwithiel Town Council staff should not limit their view of what constitutes neglect or abuse, as they can take many forms and the circumstances of the individual case should always be considered.

Exploitation of the adult by an individual with undue influence should always be considered. The agreed categories are as follows (Care Act Guidance, paragraph 14.17):

- **Physical abuse** including assault, hitting, slapping, pushing misuse of medication, restraint or inappropriate physical sanctions.
- **Domestic abuse** including psychological, physical, sexual, financial, emotional abuse, controlling and coercive behaviour; and 'honour-based' violence.
- Sexual abuse- including rape, indecent exposure, sexual harassment, inappropriate looking or touching, sexual teasing or innuendo, sexual photography, subjection to pornography or witnessing sexual acts and sexual assault or sexual acts to which the adult has not consented or was coerced.
- Psychological abuse including emotional abuse, threats of harm or abandonment, deprivation of contact, humiliation, blaming, controlling, intimidation, coercion, harassment, verbal abuse, cyber bullying, isolation or unreasonable and unjustified withdrawal of services or supportive networks.
- Financial or material abuse including coercion to take extortionate loans and threats to recover debt, theft, fraud, internet scamming, coercion in relation to an adult's financial affairs or arrangements, including in connection with wills, property, inheritance or financial transactions, or the misuse or misappropriation of property, possessions or benefits.
- **Modern slavery** encompasses slavery, human trafficking, forced labour and domestic servitude. Traffickers and slave masters use whatever means they have at their disposal to coerce, deceive and force individuals into a life of abuse, servitude and inhumane treatment.
- **Discriminatory abuse** including forms of harassment, slurs or similar treatment; because of race, gender and gender identity, age, disability, sexual orientation or religion.
- Organisational abuse including neglect and poor care practice within an institution or specific care setting such as a hospital or care home or in relation to care provided in one's own home. This may range from one off incidents to on-going ill-treatment. It can be through neglect or poor professional practice as a result of the structure, policies, processes and practices within an organisation.
- **Neglect and acts of omission** including ignoring medical, emotional or physical care needs, failure to provide access to appropriate health,

care and support or educational services, the withholding of the necessities of life, such as medication, adequate nutrition and heating. Failure to follow agreed processes.

• Self-neglect – this covers a wide range of behaviour neglecting to care for one's personal hygiene, health or surroundings and includes behaviour such as hoarding that causes a risk of harm.

Staff will respond appropriately when they see or are concerned about neglect or abuse.

- This means that staff will report their concerns about abuse to the Designated Safeguarding Lead or if not appropriate, the Town Clerk. They will then report it to Multi Agency Referral Unit or Access Team dependent on the age of the individual
- Staff will be able to get advice and guidance from the Designated Safeguarding Lead
- If staff have concerns about the outcome of the referral they are to escalate the concern to the Designated Safeguarding Lead or if not appropriate, the Town Clerk whom will contact the Multi Agency Referral Unit or Access Team

Lostwithiel Town Council fully endorses and adheres to the Cornwall and Isles of Scilly Safeguarding Adults Board (SAB) Multi-agency Safeguarding Adults Policy.

Policy Objectives

Our main policy objective is to ensure that we will promote safeguarding as the moral norm so that it becomes everybody's business. By everybody's business we mean that staff and managers in all organisations using our facilities understand their safeguarding responsibilities and their active role in working together to safeguard children, young people and adults from harm.

For this policy to be effective it is essential that each organisation using any of our facilities knows that safeguarding is everyone's responsibility, knows the signs and symptoms of potential harm, how to access safeguarding information, advice and guidance, and is committed to making an informed contribution to safeguard children, young people and adults.

Safeguarding Children and Young People

Everyone who comes in to contact with children – including managers, caretakers, volunteers and all staff - has a responsibility for keeping them safe.

No single professional can have a full picture of a child's needs and circumstances and, if children and families are to receive the right help at the right time, everyone who comes into contact with them has a role to play in identifying concerns, sharing information and taking prompt action.

Safeguarding Adults

Lostwithiel Town Council will record and report any concerns regarding adults and contact the Access Team at Cornwall Council.

Equality and Diversity

Lostwithiel Town Council expects all elected and co-opted members, staff and volunteers who come in to contact with children, young people and adults treat them as individuals and make them feel respected and valued as an essential part of our commitment to safeguard children, young people and adults.

Review

This document will be reviewed annually or as legislative changes require.

Responsibilities for Safeguarding

Lostwithiel Town Council will ensure that:

All Lostwithiel Town councillors and senior managers are committed to safeguarding and promoting the welfare of children, young people and adults, that they demonstrate leadership, are informed about and take full responsibility for the actions of staff who provide services to children, young people, adults and their families at all levels

This means:

- Ensuring the highest standards of safer recruitment, supervision and management oversight of Council staff, particularly but not exclusively those working directly with children, young people and adults;
- Ensuring that children, young people and adults are seen and listened to and that their views are taken fully into account when making decisions;
- Taking appropriate action regarding any concerns expressed about their welfare, commensurate with their rights to privacy and wherever possible on the basis of informed consent;
- All members of staff and volunteers who are employed by or on behalf of the authority, will have a clear understanding of the Council's responsibilities for safeguarding;
- Regularly refreshing our policies and procedures about safeguarding in light of lessons from research and maintaining an action plan for continuous improvement;
- Promoting the highest standards of safeguarding practice across the organisation, including robust standards for safe recruitment checks;
- Carrying out audits on our performance and complying fully with the requirements of both the safeguarding boards to undertake statutory audits.

Staff Awareness

Lostwithiel Town Council considers that safeguarding is everyone's responsibility. In particular the Council will ensure that all staff know what to do and how best to share information in order to ensure that children, young people and vulnerable adults receive necessary services - especially when they are concerned that a child, young person or adult may be suffering or at risk of suffering harm – and that all staff have access to support and appropriately expert advice in this context. This means:

• All staff employed by the council are expected to attend induction/training during which they will be informed of appropriate policies and relevant personnel.

Safer Recruitment

Lostwithiel Town Council demonstrates its commitment to safeguarding and promoting the welfare of children, young people and adults at all stages of the recruitment and selection process.

It has in place consistent, fair and thorough safer recruitment practices and processes that aim to deter, reject or identify people who might abuse children, young people or adults and to ensure that those recruited are suitable to work within Lostwithiel Town Council's services.

In addition, Lostwithiel Town Council expects all of its partner organisations to have robust, well managed safeguarding arrangements in place which are compliant with regulations and legislation.

Managers who recruit into roles working with children and/or adults should ensure that all the relevant safeguarding, recruitment and barring checks have been undertaken for all employees, volunteers and suppliers of services to the Council. Such checks and measures may include for example:

- Safeguarding responsibilities identified on role profiles and adverts;
- Stated requirement for appropriate criminal record checks;
- Use of application forms;
- Face-to-face interviews;
- Undertaking pre-employment checks, including the appropriate; criminal record check
- Taking up references;
- Probationary and supervision periods; and
- Monitoring conduct within the role.

Safer recruitment is part of a culture of ongoing vigilance where safer working practices are used by supported and well-trained staff. Adults working with children, young people and/or adults will be clear about appropriate and inappropriate practice

and are able to raise concerns when these arise. Features of a safer culture may include:

- Policies and procedures put into practice;
- Clear procedures and support for reporting concerns;
- Induction and probationary periods;
- Setting acceptable standards of behaviour; and
- Commitment to safeguarding and an ongoing culture of vigilance.

Information, advice and guidance relating to safer recruitment practices, Disclosure and Barring checking; positive disclosures and suitability decisions; and any legislative changes as a result of the recent Protection of Freedoms Act (2012) can be obtained from https://www.gov.uk/government/organisations/disclosure-andbarring- service/about

The Cornwall and Isles of Scilly Safeguarding Children Board website (<u>https://ciossafeguarding.org.uk/scp</u>) provides useful information and links to resources for the voluntary and community sector.

Allegations against a Councillor or Member of Staff

If someone witnesses behaviour by a councillor, member of staff, contractor, partner or an allegation is made about them that indicates that they have, or may have: harmed a child, young person or vulnerable adult, or put them at risk of harm; possibly committed a criminal offence against or related to a child young person or vulnerable adult or behaved in a way that indicates they may pose a risk of harm to children, young people or vulnerable adults, they must report it as a safeguarding concern at the earliest possible opportunity.

A councillor or member of staff must report any allegation made against them to the Town Clerk or Chairman of the Staffing Committee.

Safeguarding concerns and allegations relating to staff will be dealt with in accordance with the Disciplinary Procedure (including in instances where the member of staff resigns or leaves). However, investigations by the responsible authorities will take precedence over internal council procedures relating to conduct.

The Town Clerk or Chair of the Staffing Committee will liaise with the responsible authorities to agree the appropriate course of action.

The Town Clerk or Chair of the staffing Committee will seek advice from Cornwall Council's Children's or Adult Services or Police prior to informing a member of staff of an allegation against them. The Town Clerk or Chair of the Staffing Committee will offer appropriate welfare support to the member of staff and ensure that they are kept appropriately informed during any investigation process.

In accordance with the law, the Council will refer to the Disclosure and Barring Service (DBS) any member of staff:

- who was dismissed because they harmed a child or adult;
- who was dismissed or removed from working in a regulated activity because they might have harmed a child or adult otherwise;
- who would have been dismissed for either of these reasons, but they resigned first;
 - or
- who works with children or vulnerable adults in regulated activity and has been cautioned or convicted for a relevant offence.

Safeguarding concerns and allegations relating to councillors will be referred to the Monitoring Officer and dealt with in accordance with the Code of Conduct for Members of the Council.

Management of allegations against professionals who work with children and young people and people in a position of trust who work with adults

- Allegations or concerns about staff, Councillors or Volunteers relating to children or young people are handled effectively and in accordance with 'Working Together to Safeguard Children' (2018) through the Safeguarding Standards Unit LADO (Local Authority Designated Officer) Service. Information and procedures can be found on both the Cornwall & Isles of Scilly Safeguarding Children Board webpages <u>https://ciossafeguarding.org.uk/scp</u> and the South West Child Protection Procedures website <u>https://swcppcornwallscilly.trixonline.co.uk/</u>.
- Allegations or concerns about staff, Councillors or Volunteers relating to adults are handled in accordance with the Cornwall and Isles of Scilly Safeguarding Adults Board Multi-agency Safeguarding Adults policy. Information and procedures can be found on the Cornwall and Isles of Scilly Safeguarding Adults Board webpages <u>https://ciossafeguarding.org.uk/sab</u>
- Staff, Councillors and Volunteers who work or come in to contact with children, young people and vulnerable adults receive appropriate safeguarding and safe working practices training, including induction, consistent with their role and function.
- Safe working practices are promoted and poor and unsafe practice is challenged.
- Effective arrangements such as a Whistleblowing policy, which explicitly describes arrangements for sharing concerns about the

behaviour of colleagues and other members of staff are described at induction and training and well-publicised by the Council to its employees.

REPORTING SAFEGUARDING CONCERNS

We all have a responsibility to report any safeguarding concerns over the welfare of children, young people or vulnerable adults. This extends to the identification of signs of abuse, poor practice by staff, councillors and others acting for or on behalf of the Council, and allegations brought to our attention by a member of the public. Reporting safeguarding concerns can prevent serious abuse or harm from happening, or from escalating.

Staff, councillors and volunteers must not attempt to investigate abuse themselves; Neither must they confront anyone who is allegedly responsible for abuse nor tell them that allegations have been made about them.

The officer responsible for receipt of concerns and forwarding them on is the Town Clerk. However, if the Town Clerk is absent do not wait for them to return to work.

Dial 999 if a child, young person or vulnerable adult may be in imminent danger or a Criminal offence may have been committed

On reporting a concern as much factual information should be provided as possible. For example:

- The child, young person or vulnerable adult's name and address (and parents'/carers' address if different)
- The reason for concern a note of significant events or conversations should be made as promptly as possible to assist with any referral and subsequent investigation. Evidence such texts or Facebook entries should be preserved
- Any other known factors which may be contributing to the problem
- Additional information such as age (or date of birth), ethnicity, religion language and disabilities / specific needs.

The safeguarding concern should still be reported whether or not the information is complete.

CONFIDENTIALITY, RECORD KEEPING AND SHARING INFORMATION

Information about safeguarding concerns should be regarded as confidential. The information is not secret, however, and the Council will co-operate with investigations by Cornwall Council's Children's or Adults services, or the Police as applicable, and follow their advice to ensure that any risk to the safety of children, young people and vulnerable adults is addressed.

Where a disclosure is made it is important that the staff member **does not** promise The child/young person/vulnerable adult to keep the information secret but says that they will only disclose it to someone who can help them.

It is extremely important that allegations or concerns are not discussed, as any breach of confidentiality could be damaging to the child or vulnerable adult, their family and any child protection investigation that may follow.

Monitoring Outcomes

Lostwithiel Town Council ensures all concerns raised are forwarded to the Multi Agency Referral Unit (MARU) or Access Team.

Lostwithiel Town Council ensures records of complaints or concerns are retained for a minimum of 25 years.

References

- 1. Children Act 2004 (http://www.legislation.gov.uk/ukpga/2004/31/contents)
- 2. Statutory guidance to the Children Act 2004, 'Working Together to Safeguard Children', (Department for Education, 2018) <u>https://assets.publishing.service.gov.uk/government/uploads/system/uploads/ attachment_data/file/729914/Working_Together_to_Safeguard_Children-2018.pdf</u>
- Statutory Guidance on making arrangements to safeguard and promote the welfare of children under Section 11 of the Children Act 2004' (<u>https://assets.publishing.service.gov.uk/government/uploads/system/uploads/</u> <u>attachment_data/file/942454/Working_together_to_safeguard_children_inter_gency_guidance.pdf</u>) – page 54
- 4. Care Act 2014 (<u>http://www.legislation.gov.uk/ukpga/2014/23/contents/enacted</u>)
- 5. Care Act Guidance (<u>https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/315993/Care-Act-Guidance.pdf</u>)
- 6. Say no to abuse <u>https://ciossafeguarding.org.uk/assets/2/say_no_to_abuse_leaflet_-</u> <u>_easy_read_-_web_july_2018.pdf</u>
- South West Safeguarding and Child Protection Procedures (<u>https://www.proceduresonline.com/swcpp/#</u>)
- 8 'Keeping Children Safe in Education' (Department for Education, 2015) (https://www.gov.uk/government/publications/keeping-children-safe-ineducation--2)
- 9 'Working Together to Safeguard Children' (HM Government, 2018) (https://assets.publishing.service.gov.uk/government/uploads/system/uploads/ attachment_data/file/942454/Working_together_to_safeguard_children_inter_ agenc y_guidance.pdf)
- 10. Cornwall and Isles of Scilly Safeguarding Boards (https://ciossafeguarding.org.uk/)

- 11. Cornwall and Isles of Scilly Multi-agency Safeguarding Adults Policy (https://ciossafeguarding.org.uk/assets/1/adult-safeguarding-policy.pdf)
- 12. What to do if you're Worried a Child is Being Abused (DCSF, 2015) (https://www.gov.uk/government/uploads/system/uploads/attachment_ data/file/419604/What_to_do_if_you_re_worried_a_child_is_being_abus ed.pdf)
- 13. Whistleblowing policy https://www.lostwithieltowncouncil.gov.uk/data/uploads/865_1678000477.pdf
- 14. Local Authority Designated Officer (LADO) (https://www.cornwall.gov.uk/health- and-social-care/childrens-services/childprotection-and-safeguarding/allegations- against-people-who-work-withchildren/)