

REPORT TO EXECUTIVE

Date of Meeting: 22 January 2024

REPORT TO COUNCIL

Date of Meeting: 20 February 2024

Report of: Director for Net Zero and City Management

Title: Review of Safeguarding Policy

Is this a Key Decision?

No

Is this an Executive or Council Function?

Council

1. What is the report about?

1.1 To seek approval for the adoption of the revised Safeguarding Policy.

1.2 This report was previously presented to, and deferred by the Executive on 9 January 2024, pending further information relating to the central record relating to safeguarding.

2. Recommendations:

That Executive recommends and Council approves the revised Safeguarding Policy.

3. Reasons for the recommendation:

3.1 The safeguarding policy has been updated to ensure it reflects best practice in safeguarding and the recent updates to legislation and statutory guidance.

4. What are the resource implications including non financial resources

4.1 The report is an update on the policy. Resources are required to fund training and awareness raising programmes to ensure all staff understand their responsibilities and what to do to manage enquiries and referrals, and Disclosure and Barring Service checks for key staff. These have been found within existing budgets.

5. Section 151 Officer comments:

5.1 There are no additional financial implications arising out of the report.

6. What are the legal aspects?

6.1 The Children Act 2004 and specifically Section 11 of the Act places a duty on key people and public bodies, including district councils, to make arrangements to ensure that their functions are discharged having regard to the need to safeguard and promote the welfare of children.

6.2 Section 6 of the Care Act 2014 requires County Councils and their relevant partners including district councils, to co-operate with each other when exercising their respective functions where they are relevant to the care and support. This co-operation can be both at a strategic level and in relation to individual cases.

6.3 There is also other relevant legislation which applies to the issue of safeguarding under which the council has specific duties. Members will note that this legislation is listed in the policy document.

7. Monitoring Officer's comments:

The Monitoring Officer is supportive of the recommendations set out in this report.

8. Report details:

8.1 The city council has had a safeguarding policy in place since 2006 which has been subject to review and minor amendments. It was last reviewed in 2020.

8.2 The following amendments to the policy have been made to bring the document up to date:

- Updates throughout to reflect internal organisational changes as well as those to external partners.
- Paragraph 5.4 - Ensuring there is a secure central record relating to safeguarding referrals. This was originally flagged as a requirement by audit but has been removed because in practice it requires duplication of effort for teams that have their own databases. We are confident that there is excellent record keeping in services as demonstrated when we have asked for management reports for Domestic Homicide Reviews. Should Strategic Management Board require a report on the number and nature of cases this could be easily obtained as and when required.
- Paragraph 6.9, bullet point 4 - Listening to and taking account of the wishes and feelings of children and adults that [officers] work with, both in individual decisions and the development of service. This statement in relation to children is included in the government's statutory guidance, 'Working Together to safeguard children' (2018) and was raised as an issue to address in the Council's policy during the Section 11 Safeguarding Audit carried out by Devon Safeguarding Children Board in August 2022 in accordance with the Children Act 2004. As this policy covers both children and adults, the policy needs to refer specifically to both children and adults.
- Paragraph 6.9, bullet point 6 - Ensure the Council officers take account of the Section 11 Duty in the Children Act 2004 to make arrangements to ensure that the Council's functions are discharged with regard to the need to safeguard and promote the welfare of children in all decision making.
- Section 7 – This section which deals with events on council land now makes reference to the Council's Protocol on Dealing with Extremist Speakers and Events. Such a protocol is a requirement of the Prevent Duty under the Counter Terrorism Act 2015.
- Section 9 – A new section setting out the organisation's Corporate Parenting responsibility under the Children and Social Work Act 2017 in relation to certain children and young people.

- Section 10 – A new section setting out how the organisation will deal with any requests for work experience by young people and adults with care and support needs as well as employment of staff under 18 years of age.
- Section 11 – A new section setting out how the organisation will respond to requests for information from the Local Authority Designated Officer.
- Section 12 – A new section as well as information throughout the document, setting out the policy on how safeguarding training will be delivered to elected members, staff, contractors and volunteers. A matrix is also included at Appendix B of the Policy, which shows the current programme of safeguarding training.

8.3 The policy is subject to ongoing annual review in order to respond to changes in legislation and best practice.

8.4 Members will note that the Government is consulting on changes to its statutory guidance 'Working Together to safeguard children' which was last updated in July 2022. The updates to this document primarily relate to children's social care practices however there is an update on multiagency working which sets out key principles for all organisations involved in safeguarding children. The principles relate to strategic leaders, senior and middle managers and staff involved in direct practice. The multi-agency practice principles for strategic leaders are set out below to give a flavour of the requirements:

- **Collaborate:** Leaders develop a shared vision for how their services work together to deliver shared goals;
- **Learn:** Leaders use evidence from direct practice in their area so that they know and can evaluate what is and isn't working well for children and families;
- **Resource:** Leaders are ambitious about protecting children in their area and jointly prioritise and share resources accordingly;
- **Include:** Leaders create an inclusive culture where diversity is understood, and multi-agency and multi-disciplinary working is celebrated;
- **Mutual challenge:** Leaders hold each other and their teams to account and are held to account by their teams for the quality of the partnership-working and there are no significant updates for second tier authorities.

8.5 Members are asked to endorse the revised policy.

9. How does the decision contribute to the Council's Corporate Plan?

9.1 In promoting safeguarding and protecting the wellbeing of children, young people and adults with care and support needs the safeguarding policy meets contributes directly to three strands of the Corporate Plan:

- Lead a well-run council;
- Building great neighbourhoods; and
- Supporting active and healthy lifestyles.

10. What risks are there and how can they be reduced?

10.1 Failure to meet the requirements of the legislation could lead to children and adults at risk coming to significant harm. This could result in legal challenge to the Council.

10.2 The Strategic Management Board provides governance to the policy and resulting actions.

10.3 The council safeguarding officers work closely with both Torbay and Devon Safeguarding Adults Partnership, Devon Safeguarding Children Partnership, Safer Devon Partnership and other district councils. This ensures best practice and that the council is kept up to date with any issues.

11. Equality Act 2010 (The Act)

11.1 Under the Act's Public Sector Equalities Duty, decision makers are required to consider the need to:

- eliminate discrimination, harassment, victimisation and any other prohibited conduct;
- advance equality by encouraging participation, removing disadvantage, taking account of disabilities and meeting people's needs; and
- foster good relations between people by tackling prejudice and promoting understanding.

11.2 In order to comply with the general duty authorities must assess the impact on equality of decisions, policies and practices. These duties do not prevent the authority from reducing services where necessary, but they offer a way of developing proposals that consider the impacts on all members of the community.

11.3 In making decisions the authority must take into account the potential impact of that decision in relation to age, disability, race/ethnicity (includes Gypsies and Travellers), sex and gender, gender identity, religion and belief, sexual orientation, pregnant women and new and breastfeeding mothers, marriage and civil partnership status in coming to a decision.

11.4 In recommending this proposal potential impact has been identified on people with protected characteristics as determined by the Act and an Equalities Impact Assessment has been included in the background papers for Member's attention.

12. Carbon Footprint (Environmental) Implications:

12.1 No direct carbon/environmental impacts arising from the recommendations.

13. Are there any other options?

No.

Director for Net Zero and City Management, David Bartram

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Local Government (Access to Information) Act 1972 (as amended)

Background papers used in compiling this report:-

- The Care Act 2014
- The Children Act 2004
- The Children and Social Work Act 2017.
- The Counter Terrorism Act 2015.
- The Modern Slavery Act 2015.
- The Anti-Social Behavior, Crime and Policing Act 2014.
- The Serious Crime Act 2015.
- The Domestic Abuse Act 2021.
- The Police, Crime, Sentencing and Courts Act (Serious Violence Duty).
- The Devon Adolescent Safety Framework.
- Devon County Council procedures for managing allegations against staff.
- The Statutory Taxi and Private Hire Vehicle Standards.

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