

# Safeguarding— Protecting Children and Vulnerable Adults

## Policy and Procedures

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## **1.0 POLICY STATEMENT**

### **1.1 Introduction**

Chesterfield Borough Council (the council) has both a moral and legal obligation to ensure a duty of care for children and vulnerable adults across its services. The Council is committed to ensuring that all children are protected and kept safe from harm and has a responsibility to safeguard and promote the well-being of children. However, we recognise that not all children have positive experiences in their life and are committed to promoting the welfare of children by encouraging good practice.

The purpose of this policy and its associated procedures is to help protect all children and vulnerable adults living in our communities and using our services and to protect the council, its staff (including agency staff), elected members and volunteers.

## 1.2 **Scope of the policy and procedures**

This policy and procedure covers all Council functions and services and the operations of partners, contractors and voluntary organisations that deliver services on its behalf.

The Council recognises that Derbyshire County Council (DCC) Children's Social Care and the Police are the lead agencies in the Borough with regard to child protection, and DCC's Adult Social Services is the lead agency with regard to vulnerable adults. The Council also recognises that everyone has a responsibility for safeguarding children and protecting vulnerable adults, including all employees and Members. Certain professional bodies e.g. Sports Coaching UK and National Governing Bodies may have additional policies. Members of professional bodies need to find out about any additional child protection / safeguarding vulnerable adults' policies they must apply. If an allegation is made against a qualified coach / leader / teacher, the safeguarding lead will also inform the relevant national Governing Body or Learning Authority.

### **Definition of a Child**

The policy and procedures apply to all children and young people up to the age of 18 years, including unborn babies. The fact that a child has become sixteen years of age, is living independently or is in further education, is in the armed forces, in hospital, or in prison or a young offender's institution, does not change their status or their entitlement to services or their protection under the Children Act 1989.

### **Definition of a vulnerable adult**

An "Adult at Risk" is defined as any person aged 18 years and over who is or may be in need of community care services by reason of mental health issues, learning or physical disability, sensory impairment, age or illness and who is or may be unable to take care of him/herself or unable to protect him/herself against significant harm or serious exploitation. Since the publication of ADSS Best Practice Document: 'Safeguarding Adults' (2005), the range of people considered to be vulnerable has been widened to include, people encountering domestic violence, substance misusers and asylum seekers.

## 1.3 **Our duties and responsibilities**

The council has a mandatory duty to safeguard and protect children and vulnerable adults in line with the Derbyshire policies and procedures and will comply with its duties by:

- Respecting and promoting the rights, wishes and feelings of children and vulnerable adults
- Raising awareness throughout the council of the duty of care it has to children and vulnerable adults
- Promoting and implementing appropriate procedures to safeguard the well-being of children and vulnerable adults to protect them from harm

- Creating a safe and healthy environment within all of our services, to protect all parties and reduce the risk of abuse or allegations of abuse from occurring
- Recruiting, training, supporting and supervising staff, elected members and volunteers to adopt best practice to safeguard and protect children and vulnerable adults from abuse, and to also minimise any risks to themselves
- Responding promptly to any suspicions or allegations of misconduct or abuse of children or vulnerable adults
- Requiring staff, elected members and volunteers to adopt and abide by the council's Safeguarding Children and Vulnerable Adults policy and procedures, codes of conduct and associated procedures
- Reviewing and evaluating this policy and procedure and undertaking a Section 11 audit on an annual basis or in line with best practice, changing legislation, organisational requirements and service delivery
- Ensuring representatives of the council who have contact with children, young people or vulnerable adults are subject to safe recruitment procedures. This is also applicable for when the council is working in partnership with other private, voluntary or contracted organisations and their employees

#### 1.4 **Policy aims**

- Implement and maintain systems and working practice to safeguard children and vulnerable adults when participating in Council activities or receiving Council services
- Ensure children / adults and their parents have confidence in Council employees and representatives, policies and practices for the safe supervision of children and vulnerable adults
- Ensure that concerns about abuse are reported promptly to the appropriate authorities
- Offer guidance and support to all employees, volunteers and Members involved in Council activity to assist them in recognising and responding to the signs of possible abuse
- Ensure the Council's role and responsibilities for protecting children and vulnerable adults from abuse are clear
- Raise awareness of issues and procedures around safeguarding children and vulnerable adults
- Work in compliance with the Derbyshire Local Safeguarding Children Board's Safeguarding Children Policy - [www.derbyshirescb.org.uk](http://www.derbyshirescb.org.uk)
- Work in compliance with the Derby and Derbyshire Safeguarding Vulnerable Adults Partnership's Policy - [www.saferderbyshire.gov.uk](http://www.saferderbyshire.gov.uk)

#### 1.5 **Key principles**

- The welfare of children and vulnerable adults is the primary concern
- All children and vulnerable adults, whatever their age, culture, disability, gender, language, race, religion or belief and / or sexual orientation have the right to protection from abuse.
- Provide senior management leadership to ensure that all incidents of suspected poor practice and / or allegations of poor practice are taken seriously and responded to quickly and appropriately. This includes allegations of poor practice against employees, members, volunteers and contractors;

- Design and deliver Council services with due regard to safeguarding legislation and best practice
- Align with and support the Derbyshire Local Safeguarding Children Board's Safeguarding Children Policy and Derby and the Derbyshire Safeguarding Vulnerable Adults Partnership's Policy
- Share data with relevant bodies where appropriate
- Train Members, staff and volunteers to an appropriate level based on a risk assessment of their contact with children and vulnerable adults
- Insist on robust safeguarding policies from contractors, partners and voluntary groups delivering Council services or using Council facilities
- Monitor, review and challenge the application of the policy

Our safeguarding procedures will empower employees, contractors, volunteers and Members to:

- RECOGNISE concerns as they are identified
- REPORT concerns to line managers on the same day
- REFER to Derbyshire County Council on the same day
- RECORD incidents to facilitate investigations.
- RESPOND to requests for information and involvement in case reviews

## **2.0 ROLES AND RESPONSIBILITIES TO SAFEGUARD CHILDREN AND VULNERABLE ADULTS**

### **2.1 Council services**

A range of Chesterfield Borough Council services have the potential to impact upon the lives of children and vulnerable adults and may work directly with children or vulnerable adults. Equally, employees, Members and volunteers may become aware of safeguarding issues whilst undertaking Council business. Safeguarding is everyone's responsibility and we can play an important role in safeguarding and promoting the welfare of children and Adults at Risk as part of their day-to-day work - recognising child welfare issues and the vulnerabilities of some adults, sharing information, making referrals and subsequently managing or reducing risks of harm.

A Corporate Safeguarding Group has been established which includes the Local Authority Designated Lead Officer (Senior Leadership level), the Council's nominated Senior Manager for safeguarding (CMT Level) and Service safeguarding leads. This group will monitor the application of and effectiveness of the Policy and Procedures, discuss emerging issues and seek to implement best practice.

The key Chesterfield Borough Council safeguarding roles and contact details are available via aspire intranet and posters with key information including potential indicators of abuse, how to respond and service safeguarding leads details are available in all CBC workplaces.

### **2.2 Working with partners**

The Council works regularly with Partners from a variety of sectors. This policy will be drawn to the attention of and made available to all agencies and organisations in joint working arrangements. This is the responsibility of the officer responsible for managing the partnership on behalf of the Council.

### **2.3 Working with contractors**

The council's Procurement Policy stipulates that a Safeguarding Policy must be submitted as part of the tender evaluation process for relevant procurement exercises. Contractors will be expected to have approved their own Safeguarding Policy, which has been reviewed by the officer responsible for the contract and recognised as fit for purpose. If contractors do not have a Safeguarding Policy they will be required to adhere to the council's policy.

The principle of safe recruitment will therefore be included in the terms of any contract drawn up between the council and contractors or agencies that provide council services for, or adults to work with, children and vulnerable adults.

The council will monitor compliance with the contract. This will also include a requirement that the provider will not sub-contract to any organisation that does not have safe recruitment processes.

### **2.4 Organisations who use Chesterfield Borough Council Facilities**

All organisations who use Chesterfield Borough Council owned facilities for children's activities must arrange for the necessary Disclosure and Barring Service checks to be carried out on instructors, coaches or other supervisors running or organising such activities.

All clubs and organisations will need to be able to comply with these guidelines in full to ensure their continued use of facilities. The Council requires all contractors and partner organisations (public, private and voluntary) to comply with this policy. We will require positive confirmation of the contractor's or organisation's commitment to safeguarding either by production of their written policy or their signed undertaking to comply with this policy as part of the terms and conditions of hiring the facility.

### **2.5 Information Sharing**

All employees have a statutory obligation (Data Protection Act 1998, the Human Rights Act 1998 and the Freedom of Information Act 2000) to safeguard the confidentiality of personal information. The Data Protection Act 1998 does not preclude the sharing of information to provide an effective service or protect a person from harm, danger and abuse. Access to personal information should be on strict need-to-know basis when sharing information within the Council and with other agencies.

Children and vulnerable adults of all ages have equal rights to confidentiality. If a child or vulnerable adult is making a disclosure you must always explain that some of this information will need to be shared with appropriate people and/or agencies. Information sharing is essential in safeguarding children and protecting vulnerable adults at risk. Further information about information sharing is available at Appendix A.

The Council will comply with HM Government guidance setting out the 'seven golden rules' for information sharing. This guidance is available on [www.everychildmatters.gov.uk/informationsharing](http://www.everychildmatters.gov.uk/informationsharing). The Policy Service will be responsible for the maintenance of a secure database of all referral information.

The Safeguarding Vulnerable Groups Act 2006 as amended by the Police and Crime Act 2009 places a specific duty on Local Authorities in respect of the disclosure of information to the Independent Safeguarding Authority (ISA – formerly the Independent Barring Board IBB) pertaining to relevant Children and Vulnerable Adults.

### **3.0 RECOGNISING CONCERNS**

#### **3.1 Definitions of abuse**

It is not always easy to recognise when abuse has taken place or when a situation that has taken place may develop to become abusive. Council employees are not expected to be experts at recognising such situations, but employees do have a responsibility to act if they have concerns about the behaviour of an adult or a child, towards a child or vulnerable adult.

All employees have a duty to discuss any concerns they may have about the welfare of a child or vulnerable adult with their service area safeguarding lead officer or as soon as possible on the same day. Abuse may be:

**Physical Abuse** – may involve hitting, shaking, throwing, poisoning, burning or scalding, drowning, suffocating, or otherwise causing physical harm.

**Emotional Abuse** - Emotional abuse is the persistent emotional maltreatment of a person such as to cause severe and persistent adverse effects on the person's emotional development.

**Sexual Abuse** - involves forcing a child or vulnerable adult or enticing a child or vulnerable adult to take part in sexual activities, including prostitution, whether or not the person is aware of what is happening.

**Neglect** and/or self-neglect- is the persistent failure to meet a child's or vulnerable adult's basic physical and/or psychological needs, likely to result in the serious impairment of the individual's health or development. This can include self-neglect which covers a wide range of behaviour neglecting to care for their own personal hygiene, health or surroundings and includes behaviour such as hoarding.

**Financial Abuse** – is the misappropriation of an individual's funds, benefits, savings etc. or any other action that is against the person's best interests.

#### **3.2 Indicators of Abuse**

Indications that a child or vulnerable adult may be experiencing abuse could include the following:

- Unexplained or suspicious injuries such as bruising, cuts or burns, particularly if situated in a part of the body not normally prone to such injuries. Bruises that reflect



hand marks or fingertips could indicate pinching or slapping, Cigarette burns and scalds would also be a concern.

- An injury for which the explanation seems inconsistent.
- The child or young person describes what appears to be an abusive act involving him or her.
- Someone else (a child, young person or adult) expresses concern about the welfare of another person.
- Unexplained changes in behaviour e.g. becoming very quiet, withdrawn or having severe temper outbursts.
- Inappropriate sexual awareness.
- Engaging in sexually explicit behaviour.
- Discomfort when walking or sitting down.
- Distrust of adults, particularly those with whom a close relationship would normally be expected.
- Has difficulty making friends.
- Is prevented from socialising with other people.
- Displays variations in eating patterns including overeating and loss of appetite.
- Loses weight for no apparent reason.
- Becomes increasingly dirty and unkempt.
- Lack of self-care – this may involve neglecting personal hygiene, nutrition and hydration or health
- Neglecting home environment, with an impact upon health and wellbeing and public health issues. This may also lead to hazards in the home due to poor maintenance. Not disposing of refuse leading to infestations
- Hoarding items – excessive attachment to possessions, people who hoard may hold an inappropriate emotional attachment to items

This list is not exhaustive and the presence of one or more of the indicators is not proof that abuse or self-neglect is actually taking place or has taken place.

### **3.3 Children and vulnerable adults with a disability or special need**

Children and vulnerable adults with a disability or special need are at increased risk of abuse and those with multiple disabilities are at even more significant risk both of abuse and neglect. Parents or carers of children or vulnerable adults with a disability may experience multiple stresses. Children and vulnerable adults with a disability may be particularly vulnerable to abuse for a number of reasons including:

- Having fewer social contacts than other children.
- Receiving intimate personal care from a larger number of carers.
- Having an impaired capacity to challenge abuse.
- Having communication difficulties resulting in difficulties in telling people what is happening.
- Being reluctant to complain for fear of losing services.
- Being particularly vulnerable to bullying or intimidation.
- Being more vulnerable to abuse by peers than other children.

Increasingly, care for 'vulnerable people' is being provided in community settings and this places vulnerable people at increased risk.

### **3.4 Missing children and young people**

Children who are missing from home may be at risk of harm as a consequence of their need for food and shelter or from the people with whom they come into contact with. Risks can include physical harm, sexual exploitation, substance use and involvement in a range of other criminal activities. These risks apply whether the child is missing from their own family home or from a foster home or children's home whilst being Looked After by the local authority. The primary consideration for children who are missing from home is their safe recovery and welfare. Although some agencies/staff groups have specific responsibilities for missing children all agencies that provide a service to children have a responsibility to work together when a child goes missing.

### **3.5 Children and young people at risk of child exploitation**

The sexual exploitation of children and young people has been identified throughout the UK, in both rural and urban areas... It robs children of their childhood and can have a serious long-term impact on every aspect of their lives, health and education. It damages the lives of families and carers and can lead to family break-ups... Children who are sexually exploited are the victims of sexual abuse and should be safeguarded from further harm. Sexually exploited children should not be regarded as criminals and the primary law enforcement response must be directed at perpetrators who groom children for sexual exploitation.

Any child or young person may be at risk of sexual exploitation, regardless of their family background or other circumstances. This includes boys and young men as well as girls and young women. However, some groups are particularly vulnerable. These include children and young people who have a history of running away or of going missing from home, those with special needs, those in and leaving residential and foster care, migrant children, unaccompanied asylum seeking children, children who have disengaged from education and children who are abusing drugs and alcohol, and those involved in gangs.

### **3.6 Human Trafficking**

The organised crime of human trafficking into the UK has become an issue of considerable concern to all professionals with responsibility for the care and protection of children and adults. Any form of trafficking humans is an abuse.

Trafficking of persons means the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.

It is important to note that some cases involve UK-born people being trafficked within the UK, e.g. people being trafficked from one town to another. The consent of the victim of trafficking is irrelevant where any of the above methods have been used.

Trafficked people may be used for sexual exploitation, agricultural labour including tending plants in illegal cannabis farms and benefit fraud. Children as well as adults are trafficked.

Chesterfield Borough Council is committed to preventing slavery and human trafficking in its corporate activities, and ensuring that its supply chains are free from slavery and human trafficking. The Council's Modern Slavery and Human Trafficking Statement is available on our website and via aspire intranet. It includes our actions to understand potential modern slavery risks related to our activities and puts in place steps that are aimed at ensuring that there is no slavery or human trafficking in our activities, and supply chains.

### 3.7 **Hate Crime**

Hate Crime is defined as any Criminal Offence which is perceived by the victim or any other person to be motivated by a hostility or prejudice based on a personal characteristic. Children and vulnerable adults can become victims of Hate Crime. Disabled people are particularly vulnerable to hate Crime. This is 'potentially' a criminal offence and should always be reported to the Police.

### 3.8 **Domestic Violence and Abuse**

As of 1 March 2013, the Home Office definition of domestic violence and abuse is:

*Any incident or pattern of incidents of controlling, coercive or threatening behaviour, violence or abuse between those aged 16 or over who are or have been intimate partners or family members regardless of gender or sexuality. This can encompass but is not limited to the following types of abuse; psychological, physical, sexual, financial and/or emotional.*

Source: [www.homeoffice.gov.uk](http://www.homeoffice.gov.uk)

In all cases where there is knowledge or suspicion that there exists a potential for a child or children to be suffering harm as a result of domestic violence and abuse, then a referral should be made to Children's Social Care who act as the first point of contact for all referrals in relation to the welfare and safety of a child.

Where it is thought that a victim of domestic violence and abuse meets the definition of a vulnerable adult, then an Adult Protection referral should be made to Call Derbyshire.

### 3.9 **Hidden Harm**

Children may be suffering from the effects of what is known as 'hidden harm' if they live with parents or carers who are misusing drugs or alcohol. Children in these situations may be acting as young carers or they may be subjected to any of the forms of abuse described above.

## **4.0 LEARNING AND DEVELOPMENT**

- 4.1 The Council has a responsibility to ensure all new employees undertake an induction programme that includes both corporate and service induction. As part of this induction programme, line managers will ensure employees are made aware of and understand their responsibilities in respect of the Safeguarding Children and Vulnerable Adults Policy.
- 4.2 As part of the service induction, line managers will provide a copy of and go through this policy with all new employees. Employees will be required to sign to acknowledge they understand the Safeguarding Children and Vulnerable Adults policy and procedures and agree to abide by them.
- 4.3 Safeguarding training will also be provided. Training may include internal courses, workshops, supported e-learning programme, external courses, seminars and workshops organised by Safeguarding agencies. The Council will also provide on-going learning and development to ensure employees are confident and competent in carrying out their responsibilities and aware of how to recognise and respond to safeguarding concerns.

## **5.0 SAFEGUARDING HEALTH AND SAFETY**

- 5.1 Under health and safety law, the Council has equal legal and moral responsibilities for the health, safety and welfare of children and vulnerable people, as its employees.
- 5.2 Protecting the health and safety of young people and vulnerable adults must be done in such a way that it complies with the Council's legal responsibilities but at the same time does not unnecessarily restrict the young person or vulnerable adults' rights to autonomy, privacy or dignity.
- 5.3 The Management of Health & Safety at Work Regulations require that young people and vulnerable adults are protected from risks to their health and safety taking into account that they may be:
- Inexperienced;
  - Have not been trained; and
  - May not pay enough attention to health and safety.
- 5.4 Risk Assessments will be carried out for all work activities involving young people and vulnerable adults before they start in employment, on work-experience, or participate in council activities. The risk assessment will determine the level of supervision the young person or vulnerable adult requires. All young people will be inducted before they start in employment, work-experience, or undertake council activities in order to provide them with information and instruction to enable them to carry out their tasks safely, or participate in activities safely. An accident or incident involving a child or vulnerable adult should be reported to Corporate Safety Advisor using the accident reporting system.

## **6.0 PROCEDURE – RESPONDING TO CONCERNS, SUSPICIONS AND ALLEGATIONS OF ABUSE**

### **6.1 Disclosure**

If a child or vulnerable adult indicates that they are being abused, or information is obtained which gives concern that a person is being abused, this should never be ignored and always be acted upon.

There are a number of barriers that exist that prevent a child or vulnerable adult from telling others about abuse. Some of the main barriers are that they:

- May be scared because they may have been threatened.
- Think they will be taken away from home.
- Believe they are to blame, or they may feel guilty.
- Think it happens to others.
- Feel embarrassed.
- May not want their abuser to get in trouble.
- May have communication or learning difficulties.
- May not yet have the vocabulary to describe what has happened.
- Be afraid that they won't be believed.
- Think they have already told e.g. by dropping hints.
- Have told someone before and weren't believed, so what's the point in trying again.

## 6.2 **Action to be taken if a disclosure is made**

A child or vulnerable adult may 'confide' to a Council employee that they are being abused or mistreated – this is known as a 'disclosure'. People who may suspect that abuse is occurring to a child or vulnerable adult may also confide in a Council employee on the basis that 'they will know what to do because they work for the Council'. If either happens:

- React calmly so that you do not frighten the person.
- Reassure the person that they were right to tell you.
- Do not make promises of confidentiality; let the person know that you have a duty to report concerns.
- Try to reduce any questions you may choose to ask to an absolute minimum and concentrate on listening to the person. Questions should never be leading and should only consist of Who ....? Where ....? When ...? What ....?
- Make a full written record of what has been said, heard and/or seen as soon as possible (preferably on the day that the concern / disclosure was first identified /made) using the appropriate Safeguarding Report Form

This Safeguarding Report Form should then be discussed with your service safeguarding lead (or in their absence the named Senior Manager for Safeguarding) and a decision reached whether to refer this to the relevant authority.

## 6.3 **Actions to be avoided**

- Panic
- Allow shock and/or distaste to show
- Probe to find out more information than offered
- Speculate or make assumptions
- Make negative comments about the alleged abuser
- Make promises to agree to keep it a secret

- Discussing the issue with anyone other than the appropriate service level safeguarding lead or other member of the Corporate Safeguarding Group.

#### 6.4 **Responsibility to act on any concerns**

It is not the responsibility of any employee of the Council to decide whether or not abuse is taking place. There is however a responsibility to act on any concerns and to protect children and vulnerable adults in order that appropriate agencies (DCC Children's Social Care, DCC Adult Social Care and the Police) can make enquiries and take necessary action to protect the child or vulnerable adult. (See Appendix B – flowchart summary of responding to suspicions).

#### 6.5 **Safeguarding Children– Initial investigation and involvement of parents/ guardians/ carers**

The Council's Policy is that the welfare of children is the paramount concern. In this respect therefore any disclosure from a Child or concern raised by an employee must be believed and acted upon by referral to Derbyshire County Council. Derbyshire County Council are the lead body for investigating referrals and they have formal procedures and guidelines for involving Parents / Guardians and Carers in those investigations (further information can be found on [www.derbyshirescb.org.uk](http://www.derbyshirescb.org.uk) ).

Whilst the Borough Council will co-operate with Derbyshire County Council in any investigation and in furtherance of their procedures where appropriate, officers should not be discussing their concerns in the first instance with Parents / Guardians and Carers for the following reasons:

- To do so may actually place the child at even greater risk, particularly where it is suspected that a parent or carer may be responsible for the abuse.
- To do so may compromise the investigation by DCC or a criminal investigation.
- To do so may put the employee at risk.

It is appropriate for officers to make a note of the behaviour or any comments made by parents / guardians / carers (without actively engaging them) and to record this as additional information on the referral form to DCC.

#### 6.6 **Safeguarding Vulnerable Adults – sharing concerns with relatives / carers / friends.**

The Council's Policy is that the welfare of vulnerable adults is the paramount concern. In this respect therefore any disclosure from a vulnerable adult or concern raised by an employee must be believed and acted upon by referral to Derbyshire County Council.

Do not automatically assume that a Vulnerable Adult will have an appointed 'Carer' or responsible parent / guardian. Vulnerable Adults, whatever the situation are 'Adult' and therefore have a right to privacy and equality. The role of 'protecting an adult from risk' can conflict with that individual's right to make decisions for themselves. Even if those decisions carry the risk of eventual harm. There is a balance between protection and autonomy.

Whilst staff may become aware to signs and signals which may indicate that someone is being abused, many incidents will only come to light because the person discloses this themselves. Any conversation should always be directly with the Vulnerable Adult and should not involve relatives / carers / friend for the same reasons as set out in 6.5 above.

It is important to seek consent from the vulnerable adult to sharing information and to explain the reasons for doing so and the process that will follow. In some circumstances a vulnerable adult may not consent to 'information sharing' and whilst it is important, where possible to respect their wishes Safeguarding legislation and guidance does support information sharing if there is sufficient need, on the facts of the case, to override that lack of consent. Do not promise 'not to share' information.

Some adults may be at risk from their own self-neglect but fall outside of the definition of a 'vulnerable adult'. Although this is a serious issue that must be addressed, Derbyshire County Council has determined that it is not a matter to be dealt with by their 'Safeguarding Policy' but should be referred to Adult Social Services to initiate an assessment.

Derbyshire County Council has also determined that concerns regarding adults with so called 'low level needs' will not be excluded from action under their 'Safeguarding' procedures where the risks that the harm to the person puts their independence and well being at risk, and leads to a deterioration in their ability to protect themselves.

Under adult social care eligibility guidance published by the Department for Health the position is that for people falling within community care service user groups (as defined by legislation) a safeguarding concern will give rise to a duty on the local authority to assess that person under section 47 of the NHS and Community Care Act 1990.

DCC has published a 'Vulnerable Adults Risk Management Policy' (VARM) for dealing with concerns relating to vulnerable adults which do not meet the Safeguarding thresholds.

## **7.0 PROCEDURE – RECORDING AND REPORTING**

### **7.1 Employees**

Employees responding to a suspicion of abuse should complete the appropriate Safeguarding Referral Form in liaison with their service level safeguarding lead or another member of the Corporate Safeguarding Group. The safeguarding lead and the employee will then review the referral information and determine the appropriate action. This will usually involve contacting Derbyshire County Council (via Call Derbyshire) and in some cases the Police. The Council will co-operate fully with any investigation carried out by these agencies in line with their procedures.

If the child or vulnerable adult is injured, in imminent risk of harm or danger the Police should be contacted immediately by calling 999. A Safeguarding Report Form should however be completed later and the matter reported to the service level safeguarding lead who may also refer the matter to DCC.

## 7.2 **Guidelines for safeguarding leads making a referral to Derbyshire County Council**

Derbyshire County Council operate a "starting point" system for referrals. All referrals should be made to Call Derbyshire 08456058058. This is a 24 hrs a day 'response service'. Derbyshire County Council operates a 'Triaging' process for all referrals made through Call Derbyshire 08456058058. If further information is required a Social Worker will contact the person making the referral.

Before you make the telephone call it is important to have the completed Referral form and any notes and information available to hand. When you telephone Call Derbyshire the Customer Services Adviser will answer you. This CSA will take and record all the details. This information will be passed onto a duty Social Worker for immediate review.

If the Social Worker calls for further information always take the name and job title of the person you speak to. The social worker's first job is to make a number of enquiries such as obtaining information from other professionals who are involved in the person's welfare. In terms of action the response time will vary depending on the situation. You can expect to be kept informed. If this does not happen do not be afraid to phone back.

Referrals telephoned to Derbyshire County Council (call Derbyshire 08456058058) should be confirmed in writing within 48 hours (using the appropriate Safeguarding Referral Form Children's social care referral information and form is available [here](#). The adult social care referral information and form is available [here](#).

## 7.3 **Record keeping and data management**

Making a Referral could trigger an investigation by Derbyshire County Council. It is important therefore that the Borough Council retains an audit of referrals made to inform any such investigation. A copy of the Safeguarding Referral Form should always be sent electronically by email (using the Council's email system only) to the named senior manager for safeguarding along with any notes made by the employee raising the concern or safeguarding lead during the initial review.

A secure database of all referral information will be maintained. No information should be retained by the person reporting a concern or by the safeguarding lead making the referral to Call Derbyshire.

## 8.0 **GUIDANCE – DEALING WITH ALLEGATIONS AGAINST AN EMPLOYEE OF THE COUNCIL**

### 8.1 **Raising concerns**

Any concerns about the welfare of a child or vulnerable adult arising from alleged abuse by an employee of the Council must be reported immediately. The allegation could come from a member of the public, service user or be reported by a fellow employee. It can often be difficult to report a fellow employee, but the Council assures all employees that it will fully support and protect anyone who, without malicious intent, reports their



concerns about a colleagues practice or the possibility that a child or vulnerable adult may be being abused or harassed.

The Council's 'Whistleblowing' Policy and Procedure, which can be found on the Council's intranet, enables and encourages employees to raise any concerns that they have about malpractice, abuse or wrongdoing at an early stage and in the right way, without fear of victimisation, subsequent discrimination or disadvantage.

## 8.2 **Action to be taken if there are concerns about an employee**

Where it is suspected that abuse has taken place the following should happen in respect to determining whether to refer the matter to Derbyshire County Council:

- The employee raising the concern should complete the relevant Referral form
- The employee and their service level safeguarding lead will then review the referral information in consultation with the Council's safeguarding lead and Human Resources representative.
- If deemed appropriate the concern will be 'referred' to Derbyshire County Council via Call Derbyshire.
- If criminal activity is suspected the matter **must** also be referred to the Police.

In line with Council's procedures the matter will be subject to an internal investigation and this may lead to action in line with the Council's Disciplinary Procedure.

If there is an allegation made against an employee, there may be three types of investigation:

- Criminal – led by the Police.
- Safeguarding – led by Derbyshire County Council.
- Disciplinary – through the Council's own Disciplinary Policy

The person or family who alleged the abuse or harassment could also take civil proceedings – this could be against the employee and the Council.

If the concern or allegation is clearly regarding poor practice then the line manager and appropriate senior manager should deal with it as a misconduct issue and follow the Council's disciplinary procedure.

## 8.3 **Internal enquiries and suspension**

In line with the Disciplinary procedures, the Council will take a neutral stance and may suspend an employee accused of abuse pending further investigations by the Police or Derbyshire County Council. The Council will carry out an internal investigation separate to that of other agencies using its own Disciplinary procedures.

## 8.4 **Confidentiality, information sharing and data management**

The Council will abide by the Information Sharing Protocol. Every effort should be made to maintain confidentiality and information should be handled on a need to know basis. On completion of any investigation (either by DCC, the Police or CBC) the Safeguarding

referral form and any relevant information should be sent by secure email to the named senior manager for recording on the Safeguarding database.

## 8.5 **False or malicious allegations' and 'Good practice' guidance for employees**

The Council takes any allegation seriously and will refer immediately to DCC all Safeguarding incidents. However, it is also recognised that it is possible for an employee to become victim to false or malicious allegations. Employees are encouraged to protect themselves from false accusations by adopting 'Good practice' at all times. Examples of how to create a positive environment when working with children and vulnerable adults are set out in Appendix C.

## 9.0 **GUIDANCE – FURTHER INFORMATION FOR EMPLOYEES**

9.1 It is the responsibility of all Managers to risk assess from both a 'Health and Safety' and 'Safeguarding' perspective all activities and services provided by the Council and for employees to abide by these Risk Assessments. The Council recognises that some issues impact directly on 'safeguarding' and these issues have been considered during the development of the following Human Resource policies and procedures:

- Recruitment policy
- Managing work experience
- Whistleblowing
- Employee code of conduct

Guidance is also available for taking of photographs and filming at Council managed facilities and events (Appendix D)

## **Information Sharing**

Information sharing is essential in safeguarding children and protecting vulnerable adults at risk. The Council will comply with HM Government guidance setting out the 'seven golden rules' for information sharing. This guidance is available on:  
[www.everychildmatters.gov.uk/informationsharing](http://www.everychildmatters.gov.uk/informationsharing)

### **Seven Golden Rules for Information Sharing**

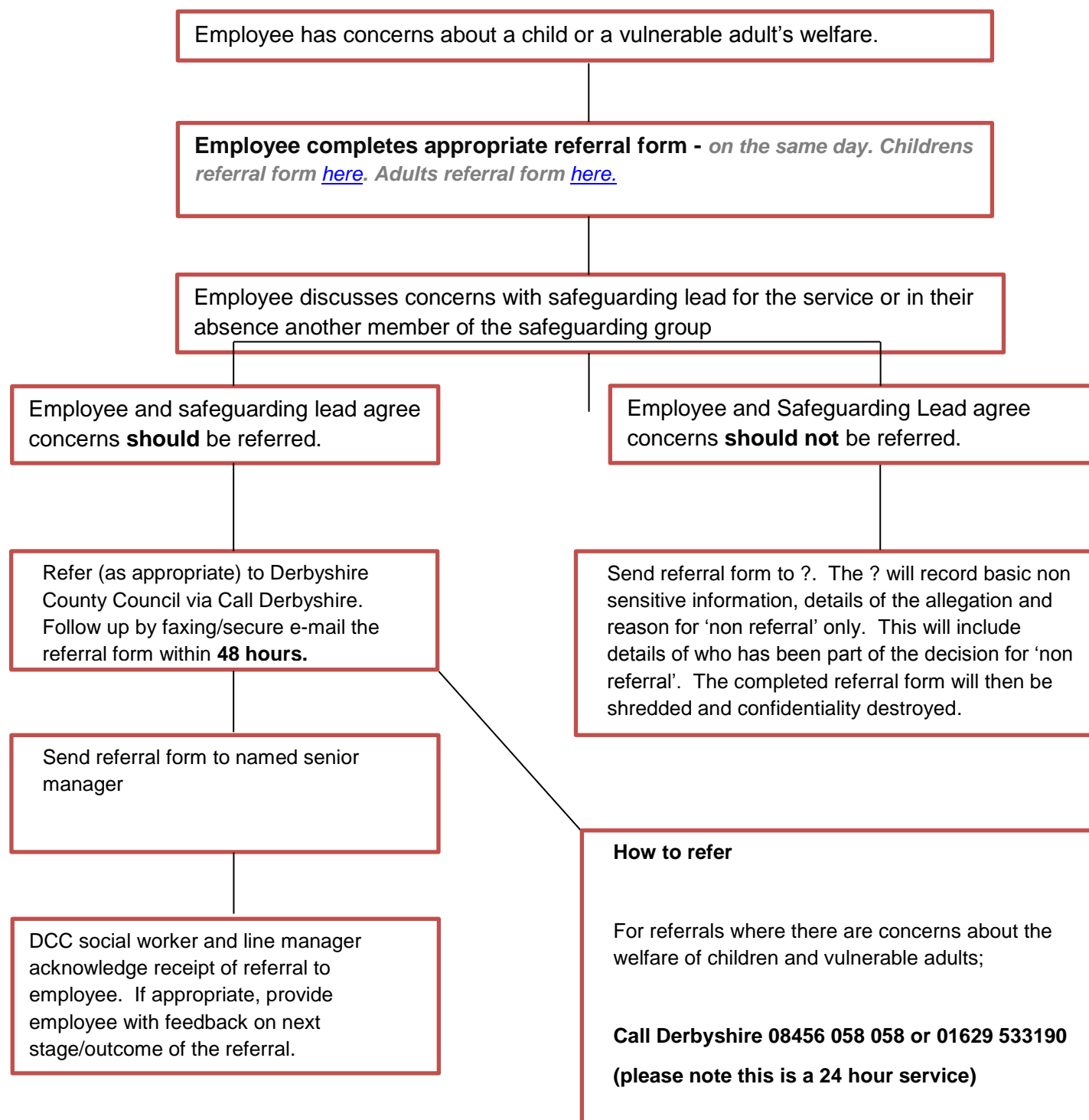
- 1 Remember that the Data Protection Act is not a barrier to sharing information** but provides a framework to ensure that personal information about living persons is shared appropriately.
- 2 Be open and honest** with the person (and/or their family where appropriate) from the outset about why, what, how and with whom information will, or could be shared, and seek their agreement, unless it is unsafe or inappropriate to do so.
- 3 Seek advice** if you are in any doubt, without disclosing the identity of the person where possible.
- 4 Share with consent where appropriate** and, where possible, respect the wishes of those who do not consent to share confidential information. You may still share information without consent if, in your judgement, that lack of consent can be overridden in the public interest. You will need to base your judgement on the facts of the case.
- 5 Consider safety and well-being:** Base your information sharing decisions on considerations of the safety and well-being of the person and others who may be affected by their actions.
- 6 Necessary, proportionate, relevant, accurate, timely and secure:** Ensure that the information you share is necessary for the purpose for which you are sharing it, is shared

only with those people who need to have it, is accurate and up to date, is shared in a timely fashion, and is shared securely.

- 7 **Keep a record** of your decision and the reasons for it – whether it is to share information or not. If you decide to share, then record what you have shared, with whom and for what purpose.

Appendix B

**Summary Flow Chart – Concern Regarding a Child or Vulnerable Adult**



CBC determine level of support to DCC for any investigation if requested.

## Appendix C

### **Creating a positive environment when working with children and vulnerable adults**

#### **Good Practice.**

The Council takes any allegation seriously and will refer immediately to DCC all Safeguarding incidents. However, we also recognise that it is possible for our employees to become victim to false or malicious accusations. Employees are encouraged to protect themselves from false accusations by adopting the following good practice at all times.

- Work in an open environment and avoid private or unobserved situations
- Treat all children and vulnerable adults with equal dignity and respect
- Put the welfare, success and achievement of each child or vulnerable adult first, before the winning or achieving of goals
- Make activities enjoyable and promote fair play
- Maintain a safe and appropriate distance with children and vulnerable adults
- If physical contact is necessary for demonstrating skills etc., explain and discuss these actions with the person first
- Recognise that caution is required especially when dealing with sensitive moments e.g. when dealing with bullying, bereavement or abuse
- Keep up to date with technical skills, qualifications and insurance requirements
- Be an excellent role model, this includes not drinking alcohol or smoking in the company of children and vulnerable adults in any work related environment (this is also contrary to the Council's policies and will result in disciplinary action)
- Give constructive feedback rather than negative criticism
- Recognise the development needs of the children and vulnerable adults and avoid excessive training or competition
- Ensure that all activities are risk assessed from both a Health and Safety and safeguarding perspective

#### **Things to avoid**

You should NEVER allow or take part in any of the following:

- Engage in rough physical or sexually provocative games
- Engage in or allow any form of inappropriate touching
- Allow children or vulnerable adults to use inappropriate language unchallenged

- Make sexually suggestive comments to a child or vulnerable adult, even in fun
- Reduce a child, young person or vulnerable adult to tears as a form of control
- Allow allegations made by a person to go unchallenged, unrecorded or not acted upon
- Do things of a personal nature for a child, young person or vulnerable adult that they can do for themselves including things like applying sun cream
- Transport or take children, young people or vulnerable adults to an event or their home unsupervised
- Administer any medication unless specifically trained and approved by the person's parents to do so
- Take a child to the toilet unsupervised

## **Guidelines on Children and Vulnerable Adults in Publications and on the Internet**

Websites and publications provide excellent opportunities to publicise achievements of individuals and provide a showcase for the activities of children and vulnerable adults. In some cases, however, displaying certain information about children and vulnerable adults could place them at risk. The following procedure must be followed to ensure the council's publications and information on the internet does not place children or vulnerable adults at risk.

- Publications or information on an internet site must never include personal information that could identify the child or vulnerable adult. Any contact information must be directed to the council or another relevant organisation.
- Before publishing any information about a child or vulnerable adult, written consent must be obtained from the child or vulnerable adult's parent/guardian. If the material is changed from the time of consent, the parents/guardians must be informed and consent provided for the changes (see example below).
- The content of photographs or videos must not depict a child or vulnerable adult in provocative pose or in a state of partial undress. Children and vulnerable adults must never be portrayed in a demeaning or tasteless manner.
- For photographs or videos of groups or teams of children or vulnerable adults ensure that only the group or team is referred to not individual members. Credit for achievements by an individual child or vulnerable adult are to be restricted to first names only.
- All published events involving children or vulnerable adults must be reviewed to ensure the information will not put children or vulnerable adults at risk. Any publications of specific meetings or child/vulnerable adult events e.g. team coaching sessions, must not be distributed to any individuals other than to those directly concerned.
- Particular care must be taken when publishing photographs, film or videos of children or vulnerable adults who are considered particularly vulnerable e.g. the subject of a child or vulnerable adult protection issue or a custody dispute.

Important Note: Any concerns or enquiries about publications or internet information should be reported to the council's Communications Team.

### **Guidelines on Use of Photography, Videoing and Filming of Children and Vulnerable Adults – (including Mobile Phone Technology)**

There is evidence that some individuals have used public events as an opportunity to take inappropriate photographs or film footage of children. The following best practice is to be adopted to protect children and vulnerable adults who are being photographed or videoed.

- When commissioning professional photographers or inviting the press to cover council services, events and activities organisers must ensure that they make expectations clear in relation to child and vulnerable adult protection.

- Organisers must check the credentials of any photographers and organisations used.
- Where possible the consent of the parent/guardian for photographing, videoing and/or filming of a child or vulnerable adult must be obtained prior to the event or activity.
- Anyone wishing to use photographic/film/video equipment at a venue must obtain the approval of the council. **However there is a complete ban of use in parts of our leisure centres which include; changing rooms, toilets and crèche facilities.**
- An activity or event specific identification badge/sticker must be provided and clearly displayed at all times by the accredited photographers, film and video operators on the day of the activity or event.
- Unsupervised access must not be allowed to children or vulnerable adults or one to one photographic sessions.
- Do not allow photographic sessions outside of the activities or services, or at a child or vulnerable adult's home.
- It is recommended that the names of children or vulnerable adults should not be used in photographs or video footage, unless with the express permission of the child or vulnerable adult's parent or guardian.
- The council reserves the right at all times to prohibit the use of photography, film or video at any event or activity with which it is associated.

### **For external hirers of Council facilities**

The hiring/booking form for the event must include conditions in respect of Safeguarding and a copy of the Council's Safeguarding Policy provided if appropriate as guidance. Whilst the control of the use of photographic/film/video equipment by external hirers of Council facilities is the responsibility of the hirer, the Officer managing the booking should ensure that this includes procedures relating to the protection of Children and Vulnerable adults. This responsibility extends from who is allowed to use photographic/film/video equipment, to where and where not equipment is used and what images are and are not allowed to be taken.

It is the hirer's responsibility to ensure that all participants and their parents/guardians/ carers if under 16 are aware that photographic/filming/video equipment is going to be used. Where appropriate they must be required to get written permission from participants or their parents/guardians/carers to use the photographs in publicity, promotional or media material.

### **Example Consent Form**

***All information will be treated in strict confidence***

<b>Event/Activity:</b>	<b>Date:</b>
<b>Name of child:</b>	<b>Date of birth:</b>



<b>Home address:</b>	
<b>Home telephone No:</b>	<b>Mobile telephone No:</b>
<b>Medical conditions (if any) e.g. asthma, diabetes, allergies:</b>	

I confirm that my son/daughter is in good health and I give consent / do not consent for my son/daughter to participate in the above event/activity.

I consent / do not consent to any emergency treatment required by my son/daughter during the course of the event/activity

I give / do not give consent for my son/daughter to be photographed during the course of the above event/activity and I consent to the photographs being used by Erewash Borough Council for bona fide promotional purposes. This also includes the use on the Worldwide Web (internet).

The information you provide will be used in accordance with the Data Protection Act 1998, to ensure the safety of all participants and may be shared with other people/organisations involved in the delivery of the above event/activity, if appropriate. By signing this form you are consenting to the council using the information, which you have supplied in the manner stated above.

Name of Parent/Guardian (*please print*):

Relationship to child:

Signature:

Date:

**Example Consent Form for the use of Cameras and other Image Recorders**

Event you would like to take photographs at:	
Reason for taking photographs:	

Name of company (if taking photographs in a professional capacity)	
Full name and address of person taking photographs:              Telephone number: Mobile telephone number:   Email address:   Date of birth:	
Relationship of the photographer and subject(s):      	
Reason for taking photographs and/or uses the images are being, or are intended to be put to (i.e. family record / advertising etc):              	

I declare that the information provided is true and correct and that images will only be used for the purposes stated.

Signed:

Date:

Authorised by:

Date:

Position: