

CABINET

14 SEPTEMBER 2011

UPDATED SAFEGUARDING CHILDREN AND VULNERABLE ADULTS POLICY

REPORT OF ASSISTANT DIRECTOR (ACTIVE COMMUNITIES)

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RECENT REFERENCES:

None.

EXECUTIVE SUMMARY:

The Council's policy on the safeguarding of children and vulnerable adults was due for review and this has been undertaken. The updated policy (attached at Appendix 1) is recommended for approval.

RECOMMENDATIONS:

- 1 That the updated Safeguarding Children and Vulnerable Adults Policy be approved, subject to any final amendments which may be suggested by Hampshire County Council Children's Services Department, together with other minor editing, to be agreed by the Assistant Director (Communities) in consultation with the Portfolio Holder for Communities, Safety and Public Health.
- 2 That all Council staff, Members and volunteers undertake training in safeguarding issues as set out in the policy to a level commensurate with their roles.

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REVISED AND UPDATED SAFEGUARDING CHILDREN AND VULNERABLE ADULTS POLICY

REPORT OF ASSISTANT DIRECTOR (ACTIVE COMMUNITIES)

DETAIL:

1 Introduction

- 1.1 A review of the WCC Children and Vulnerable Adults Policy has been undertaken and a revised version drafted. The updated policy (Appendix 1) is recommended for approval by Cabinet. Comments on a draft version were received from Hampshire County Council Adults' Services Department and these have been taken into account. Comments were also requested from Hampshire County Council Children's Services Department. Due to pressure of work Children's Services colleagues may be unable to respond before publication of this report. If so, it is recommended that any amendments they may suggest be reported verbally at the meeting and incorporated into a final version to be finalised by the Assistant Director (Communities) in consultation with the Portfolio Holder for Communities, Safety and Public Health.

2 Main Changes to the Policy

- 2.1 The main changes are as follows:-

- a) Greater emphasis on having regard to safeguarding in the design, improvement and commissioning of services and projects, in addition to observing best practice in the delivery of services.
- b) Revised drafting of accountabilities to clarify and reflect best practice, and to emphasise the role of contract specification and supervision.
- c) Updating of contact details and minor changes to procedure for the reporting of incidents.
- d) New training requirements for all staff, Members, and volunteers reflecting the range of involvement which different roles have with children and vulnerable adults.
- e) Linking of the policy to the Integrated Impact Assessment, a tool for assessing services, project plans, business plans, contract specifications etc and which now includes screening for safeguarding issues.

- f) Inclusion of guidance on the conduct of Serious Case Reviews.
- g) Guidance on what to do if children are observed out of school during school hours and may be at risk.

3 Required Training

3.1 An important aspect of implementing the policy will be via training. The Hampshire Safeguarding Children Board (of which the Council is a statutory member) has recognised that for District Councils, safeguarding training can be more complex due to the many different kinds of services and activities we deliver, each with varying levels of involvement with children and vulnerable adults. A group of district safeguarding lead officers has worked with Hampshire Children's Services training team to develop a training package specifically for district council officers and Members. Three levels of training have been identified as follows:

- Induction: A short session of under an hour for those whose work very rarely brings them into contact with children and vulnerable adults;
- Level 1: A more in depth package for those who have frequent low level contact. This training level also includes training on the 'Trigger Tool' which provides tips and information on what to look for if visiting the home of a vulnerable adult and access to a set of updated contact details within relevant agencies. (Some Members and officers are already trained on the Trigger Tool and will not need to repeat this). The Hampshire Domestic Abuse Forum basic awareness e-learning course is also recommended for this level and can be accessed from the Intranet.
- Level 2: Aimed at those teams such as Housing, Revenues and Benefits, Community Safety, etc., where officers are working closely with vulnerable people on a day to day basis and are very likely to encounter abuse and need to take action. In addition to the above, (including a more advanced in-house session) a county-wide multi-agency training calendar is available every year and our officers are able to use this to access a range of advanced courses as relevant to their own practice.

3.2 One of the most important messages in the Every Child Matters initiative was the emphasis on the fact that safeguarding is everyone's responsibility. It is recommended that all WCC staff, Members and volunteers undertake one of the 3 training levels so that everyone knows what to do should they encounter abuse, whether through their work/Council business or in the community when they are not at work.

3.3 The HR team is currently working with managers to identify which staff roles need which level of training. For those staff, eg Finance, whose work really does have little contact with safeguarding issues, it is recommended that a team meeting is given over to a safeguarding induction session (just under an

hour). This approach recognises that safeguarding is everyone's responsibility and means that WCC staff understand our corporate approach and are able to recognise and act appropriately should they encounter abuse outside their working hours.

- 3.4 Level 1 training is recommended for Members as well as appropriate officers and a number of evening training sessions will be arranged so that all Members are able to take up the opportunity of training.
- 3.5 The 'Level 2' officers should already be aware of best practice but it is important to make sure that this is the case and to provide an opportunity to refresh knowledge and skills. Their in-house sessions will focus on ensuring that everyone is working to the same standards, common systems are being used and that best practice is shared across teams.
- 3.6 In order to keep down costs and in recognition that this is a long term process, a number of officers across teams have undertaken a 'train the trainer' course so that the training can be run in-house. However, it is beneficial to share training resources with other Councils too, and the first few sessions will be co-hosted by Test Valley Borough Council's Safeguarding Officer who has also led on developing the training materials.
- 3.7 The in-house training will be rolled out through the winter. It is intended that all staff, Members and volunteers will have been trained by spring 2013.

OTHER CONSIDERATIONS:

4 SUSTAINABLE COMMUNITY STRATEGY AND CHANGE PLANS (RELEVANCE TO):

- 4.1 This policy is in keeping with the Sustainable Community Strategy outcomes and associated change plans, in particular active communities. It also contributes to the efficient and effective council outcome in respect of customer service excellence.

5 RESOURCE IMPLICATIONS:

- 5.1 It is intended that training will be provided in-house using existing resources so there are no direct financial implications arising from this report.

6 RISK MANAGEMENT ISSUES

- 6.1 This policy and training programme is in keeping with the Council's risk management policy. Poor practice due to lack of training in safeguarding issues could result in abuse, injury or death, potential litigation and damage to the Council's reputation.

BACKGROUND DOCUMENTS:

None

APPENDICES:

Due to its size, Appendix attached for Cabinet Members and Group Leaders only with a copy available in the Members' Library and on the Intranet:

<http://www.winchester.gov.uk/CouncilAndDemocracy/ElectedRepresentatives/Committees/CommitteeMeeting.asp?id=SX9452-A7858AE9&committee=780>

Appendix 1 – Updated Safeguarding Children and Vulnerable Adults Policy.

WINCHESTER CITY COUNCIL

SAFEGUARDING CHILDREN AND VULNERABLE ADULTS POLICY AND PROCEDURES

Revision Date	September 2011
Review Date	September 2013

Index

Paragraph	Section	Page
1.	Introduction	3
2.	Policy statement	3
3.	Aims of Policy	4
4.	Scope of Policy	5
5.	Definition of Safeguarding	6
6.	Recognising Child Abuse	7
7.	Recognising Abuse in Vulnerable Adults	9
8.	Responsibility for Safeguarding	10
9.	Funding and grants	14
10.	Hiring of Council facilities	14
11.	Tendering and contracting	14
12.	Out of hours working	14
13.	Confidentiality	14
14.	Record keeping	15
15.	Complaints procedure	15
16.	Recruitment	15
17.	Training	16
18.	Monitoring	16

Appendix	Section	Page
1	Safeguarding Code of Conduct and Good Practice	17
2	Procedures for safeguarding children and vulnerable adults	19
3	Children out of school guidance	26
4	Serious Case Review Procedure	27
5	Required Training	29
6	Legislation and Guidance	32
7	Guidance on CRB eligibility	36

1. Introduction

- 1.1 Winchester City Council delivers a varied range of services and functions which can bring employees, Members and volunteers into contact with children or vulnerable adults. This could be either as the main part of their role or indirectly when they are carrying out their work such as during a home visit, working outdoors in a public space or seeing customers in a reception area.
- 1.2 Winchester City Council recognises that we all have a responsibility to protect children and vulnerable adults and has developed a safeguarding policy to ensure that effective practices are in place for all the Council's activities.
- 1.3 This policy reflects the Council's responsibilities under the Children Act 1989 and the Children Act 2004. Section 11 of the latter places a duty on key people and public bodies, including district councils, to make arrangements to ensure that their functions are discharged with regard to the need to safeguard and promote the welfare of children.
- 1.4 With regard to safeguarding vulnerable adults, this policy has been developed in accordance with guidelines produced by the Department of Health 'No Secrets' guidance and The Safeguarding Vulnerable Groups Act 2006. There are different issues to consider when dealing with cases of abuse of vulnerable adults. The main purpose of this work is to promote the empowerment and wellbeing of vulnerable adults through the services we provide and know how to respond to their concerns.
- 1.5 In 2010 the Government published a revised version of 'Working Together to Safeguard Children - A Guide to Inter-Agency Working to Safeguard and Promote the Welfare of Children' which gives statutory and non-statutory guidance to help agencies implement the legislation. Staff who work regularly with children and young people should be aware of the relevant sections of this document as referenced in Appendix 2.

2. Winchester City Council's Policy Commitment

- 2.1 Winchester City Council believes that all children, young people and vulnerable adults have the right to be safe, happy, healthy, and protected from abuse. The Council is committed to safeguarding from harm all children, young people and vulnerable adults using any of its services and involved in any of its activities, and to treat them with respect during their dealings with the Council.
- 2.2 The Council is committed to practices that protect children, young people and vulnerable adults from harm regardless of age, gender, disability, racial heritage, religious belief, sexual orientation or any other protected

characteristic as covered by the Equality Act 2010. Employees, Members and volunteers accept and recognise their responsibilities to develop self awareness of the issues that cause children, young people and vulnerable adults harm.

2.3 The Council understands that the safeguarding of children and vulnerable adults is everyone's responsibility and will take steps to ensure that all staff and councillors are able to follow best practice appropriate to the level of contact they have.

3. Aims of the Policy

3.1 The aims of the policy are to:

- Clarify the roles and responsibilities of all parties within scope of the policy;
- Support the promotion of a safe working environment and a culture of care in which the rights of all children, young people and vulnerable adults are protected and respected;
- Promote procedures, codes of conduct and best practice in the way employees and associated workers interact with children, young people and vulnerable adults while providing Council services;
- Provide clear guidance and procedures for those employees, Members and volunteers working with children, young people and vulnerable adults and ensure through training and support that they are aware of these and able to implement them;
- Provide a framework for developing partnerships with appropriate external bodies e.g. Hampshire Safeguarding Children Board, Hampshire Safeguarding Adults Board and, where relevant, Hampshire Domestic Abuse Forum to ensure that the policy continues to reflect legal and best practice requirements in respect of the responsibility of care of children, young people and vulnerable adults:
- Enable information sharing about safeguarding concerns with relevant agencies and involving parents/carers and children, young people and vulnerable adults appropriately.
- Support the procedures for the safe recruitment of employees, Members and volunteers in accordance with relevant legislation and guidance.
- Provide effective management for employees and volunteers through effective supervision, support and training.

4. Scope of the Policy

4.1 The Policy is in respect of the Council's responsibility towards:

- Children and young people: legally defined as any person under the age of 18. From this point, the terms child or children will be used to refer to this group.
- Vulnerable adults: defined as anyone over the age of 18 who is or may be in need of community care services by reason of mental or other disability, age or illness, and who is or may be unable to take care of him or herself, or unable to protect him or herself against significant harm or exploitation. ('No Secrets' DoH 2000).

4.2 In the case of domestic abuse, the Policy refers to children and vulnerable adults only. It does not cover adult victims of domestic abuse who would not be defined as 'vulnerable' (see 4.1).

4.3 The Policy guides the conduct of:

- All employees and Members of the Council.
- Volunteers and other workers involved in the provision of Council services but not employed by the Council, including workers in organisations with whom the Council has contracts for the delivery of services.

4.4 The Policy covers all the functions and services of the Council.

4.5 The policy does not cover health and safety issues such as use of play equipment or provision of food at events.

4.6 This policy should also be used in conjunction with the following:

- Disciplinary Procedure, Grievance Procedure and Whistle Blowing Policy
- Data Protection Policy
- IM&T Security and Conduct Policy
- Equality Policy
- Equality Monitoring Policy
- Corporate Complaints Procedure
- Procurement Policy and Contract Procedure Rules
- Member and Employee Codes of Conduct
- Domestic Abuse Policy and Procedure (Landlord Services)
- Health and Safety (Lone Working) Policy
- Recruitment and Selection Policy and Procedure (including Criminal Records Bureau Check Procedure)

4.7 This policy and the guidance will be reviewed bi-annually or whenever there is a change in the related legislation or when an incident occurs. This will help us ensure that these documents are up to date and fit for purpose.

5.0 Definition of Safeguarding and the Council's Policy Response

5.1 The term 'parent/carer' is used throughout as a generic term to represent parents, carers and guardians for both children and vulnerable adults. It is important to recognise that in providing services the Council is not acting in loco parentis (in place of the parent).

5.2 'Safeguarding' is intended to go beyond traditional definitions of 'protection' to embrace policy, strategy and the design of services leading to improved wellbeing. The Government's 'Working Together' document describes the safeguarding of children as *'the process of protecting children from abuse or neglect, preventing impairment of their health and development, and ensuring they are growing up in circumstances consistent with the provision of safe and effective care that enables children to have optimum life chances and enter adulthood successfully'*. (DCSF, 2010)

5.3 This description incorporates the narrower definition of 'child protection', defined as *protecting individual children identified as either suffering, or likely to suffer, significant harm as a result of abuse or neglect*.

5.4 The wider definition of Safeguarding used in this policy is therefore:

- Protecting children and vulnerable adults from harm as a result of abuse or neglect;
- Preventing impairment of a child or vulnerable adult's health or development;
- Ensuring that children and vulnerable adults are growing up and living in circumstances consistent with the provision of safe and effective care;
- Undertaking that role so as to enable those children and vulnerable adults to have optimum life chances.

5.5 In reflecting this broad definition of safeguarding, the Council's policy is therefore to consider the safeguarding of children and vulnerable adults:-

- in its policy framework and forward planning processes
- in the way that services are designed and delivered
- in the way that services are commissioned from partner organisations
- in the monitoring of services
- in the monitoring of contracts

5.3 Safeguarding forms part of the Integrated Assessment Framework which the Council uses to assess proposed projects and contracts, and use of the

Framework will be further rolled out. Safeguarding will be considered in the commissioning of services including business planning and budget setting, and the awarding of grants.

- 5.4 Much of the above will be implemented through training of staff, volunteers, contractors and Members in order to create a culture of awareness and confidence in responding to these issues (see Appendix 5). Safeguarding will be discussed with individual staff at appraisal to ensure their training is up to date and they feel able to carry out their roles.
- 5.5 Council Members have community roles which bring them into contact with children and vulnerable adults in the street, in clubs and societies, in schools and residential settings, and in people's homes. Members will ensure that they have taken up appropriate training and requested a Criminal Records Bureau (CRB) check where required.
- 5.6 A crucial emphasis of the Children Act 2004 is the need to work effectively across agencies. The Council will continue its membership and active participation in the work of the Hampshire Safeguarding Children Board, liaise with the Hampshire Safeguarding Adults Board and participate as required in other local arrangements to collaborate for best practice.

6.0 Recognising Child Abuse

- 6.1 Recognising child abuse is not easy and it is **not** the responsibility of employees, Members or volunteers to decide whether or not abuse has taken place or if a child is at significant risk, they do however have a responsibility to act if they have any concerns.
- 6.2 There are four main forms of child abuse¹
- **Physical Abuse** may involve actions such as hitting, shaking and burning as well as giving children alcohol, inappropriate drugs or poison. Physical abuse as well as being a deliberate act can be caused by an omission or failure to act to protect.
 - **Emotional Abuse** is a persistent lack of love and affection. A child may be constantly shouted at, threatened or taunted. This can make the child nervous and withdrawn. Other forms of emotional abuse include excessive overprotection and unrealistic pressure to succeed. Some level of emotional abuse is involved in all types of ill treatment of children although it may occur alone.

¹ (*Working Together to Safeguard Children HM Gov 2010*)

- **Sexual Abuse** involves forcing or enticing the child or young person to take part in sexual activities whether or not the child is aware of, or consents to, what is happening. Sexual abuse can involve penetrative acts such as rape, buggery or oral sex or non-penetrative acts such as fondling. It may also involve non-contact activities such as showing pornographic material or encouraging children to behave in sexually inappropriate ways.
- **Neglect** is the persistent failure to meet a child's basic physical and or psychological needs. These needs include, for example, adequate food and warm clothing and also medical care. Children may be left alone unsupervised. Emotional neglect is when children are deprived of love and affection.

6.3 Indications that a child is being abused:

- Unexplained or suspicious injuries such as bruises, cuts and burns particularly if situated on parts of the body not normally prone to such injuries
- Injuries for which an explanation seems inconsistent
- Fear of parents being approached about such injuries
- Reluctance to get changed e.g. wearing long sleeves in hot weather
- Flinching when touched or approached
- A failure to thrive or grow
- Sudden speech disorders
- Difficulties in making friends
- The child is prevented from socialising
- Sudden or unexplained changes in behaviour
- Fear of being left with a specific person
- Sexually explicit behaviour
- Sexual knowledge beyond their age and developmental level
- A distrust of adults particularly those with whom a close relationship would normally be expected
- Constant hunger, sometimes stealing food
- The child being dirty/smelly and unkempt
- Loss of weight
- Inappropriate dress for the conditions

6.5 This list is by no means definitive and it is important to remember that many children will exhibit some of these indicators at some time and the presence of one or more should **not** be taken as proof that abuse is occurring.

6.6 There may be other reasons for changes in behaviour such as a death in the family or the birth of a new baby. It is crucial that this is only a process of observation and that at no point in time should an employee, Member or volunteer feel that they should be actively seeking out abuse or an abuser.

6.7 The responsibility of the employee, Member or volunteer is to ensure that if they have concerns about the welfare of a child they must report it and must **never** assume that others will do so.

7. Recognising Abuse of Vulnerable Adults

7.1 In addition to the four main areas of abuse listed above (physical, emotional, sexual abuse and neglect), vulnerable adults may be subject to other forms of abuse as follows:

- **Financial abuse** may include theft, fraud, exploitation and pressure in connection with wills, property or inheritance or financial transactions. It may include misuse or misappropriation of property, possessions or benefits by someone who has been trusted to handle their finances or who has assumed control of their finances by default.
- **Psychological abuse** includes threats of harm, controlling, intimidation, coercion, harassment, verbal abuse, enforced isolation or withdrawal from services or support networks. Humiliation, bullying, shouting or swearing can also be seen as abuse.
- **Discrimination** abuse includes any type of abuse aimed at a vulnerable adult because of their colour, religion, appearance or sexuality. For example, ignoring spiritual or religious beliefs, comments or jokes about a person's disability, age, race, sexual orientation, or gender / gender identity, ignoring cultural needs, for example diet or clothing.
- **Institutional Abuse** is abuse occurring in a social or health care establishment that may range from poor practice to ill treatment and gross misconduct. For example, lack of individual care, no flexibility of bedtimes or waking, deprived environment and lack of stimulation.
- **Disability hate crime** is when someone is being abused or harassed because they are disabled.
- **Hate Crime** is harassing, victimising, intimidating, bullying or abusing someone because of their race, faith, religion, disability or because they are lesbian, gay, bisexual or transgendered. A hate crime can include physical attacks, harassment, threats, disputes with neighbours, people swearing at you or making abusive remarks, people doing things that frighten, intimidate or distress you.

7.4 Procedures for dealing with cases of abuse or suspected abuse are set out at Appendix 2.

8.0 Responsibility for Safeguarding

8.1 Safeguarding is everyone's responsibility so accountability for the implementation of this policy lies at all levels of the Council. All staff, Members and volunteers will follow the Safeguarding Code of Conduct and Good Practice while on Council business (see Appendix 1).

8.2 **Council Members** are responsible for:

- Ensuring that the Council has a policy which adequately safeguards children and vulnerable adults in receipt of its services, and for the regular review of this policy in the light of changes to legislation.
- Ensuring that services are designed in a way which safeguards children and vulnerable adults wherever relevant (including services delivered in partnership with other agencies and/or contractors).
- Ensuring that they adopt best practice when interacting with children and vulnerable adults in the community, including requesting a Criminal Records Bureau check if required (eg if they are involved in activities on school sites etc).

8.3 Councillors will be offered training to ensure they are aware of safeguarding issues. It is their responsibility to take up these opportunities and to enquire as to whether the nature of their activities means they should obtain a CRB (Criminal Records Bureau) certificate. Where the guidance states that employees should report any concerns to their Head of Service, Members should report any concerns to the Monitoring Officer.

8.4 **The Strategic Safeguarding Officer** (Assistant Director – Active Communities) is responsible for:

- Ensuring the Council's Safeguarding Policy and procedures are compliant with legislation and guidance and being implemented and reviewed effectively.
- Working with Human Resources to ensure that appropriate training is available for staff, Members and volunteers.
- Representing the Council on the Hampshire Safeguarding Children Board and other relevant bodies.

8.4 **The Monitoring Officer** (Corporate Director (Governance)) is responsible for dealing with allegations against Members concerning children or vulnerable adults, including cases in which it is alleged that a Member has:-

- Behaved in a way that has harmed, or may have harmed a child or vulnerable adult
- Possibly committed a criminal offence against, or related to, a child or vulnerable adult
- Behaved in a way that indicates they are unsuitable to work with children or vulnerable adults.

8.5 The Monitoring Officer will also be responsible for reporting allegations relating to Members of Winchester City Council to the Hampshire County Council Local Authority Designated Officer (LADO), and for reporting as appropriate to the Independent Safeguarding Authority.

8.6 **The Human Resources Service** is responsible for:

- Providing advice and information relating to safeguarding concerns.
- Receiving and recording information from employees, Members, volunteers, children, vulnerable adults or parents and carers who have safeguarding concerns.
- Where appropriate, assessing the information promptly and carefully, clarifying or obtaining more information about the matter as appropriate.
- Where appropriate, consulting initially with Children's or Adult Services to test out any doubts or uncertainty about the concerns as soon as possible.
- Where appropriate, making a formal referral to a statutory agency or the police without delay and ensure the proper transfer of information relating to dealings with children and vulnerable adults. (If the allegation is regarding a Member the matter should be referred to the Monitoring Officer).
- Working with Heads of Service in identifying and maintaining a record on the Intranet of the level of screening and training in safeguarding principles required by all posts on the establishment based on the nature of each post and its likely interaction with children and vulnerable adults. (These levels of training are set out in Appendix 5).
- Providing training at the level identified as appropriate for all posts within the organisation and in particular ensuring that all staff who work with or have contact with children, young people and vulnerable adults are appropriately trained to understand normal child development, to recognise potential signs of abuse and neglect, and in wider safeguarding principles.
- Ensuring that recruitment procedures are robust and that information pertinent to working with these groups is obtained during the recruitment procedure.

- Ensuring that all safeguarding and CRB checks are carried out at the level required in respect of every job identified as working with children and vulnerable adults.
- Reporting allegations relating to Winchester City Council staff and volunteers to the Hampshire County Council Local Authority Designated Officer (LADO), and reporting to the Independent Safeguarding Authority where appropriate.
- Supporting Heads of Service in dealing with allegations of abuse or lack of care by staff or volunteers.

8.7 **Heads of Service** are responsible for:

- Identifying those services and posts that are likely to have an involvement with children and vulnerable adults.
- Ensuring that those people appointed by them to the City Council, whose normal duties involve caring for, training, supervising or being in sole charge of children or vulnerable adults are screened via the Criminal Records Bureau process at the appropriate level. (See Appendix 7)
- Ensuring that employees, volunteers and other workers are adequately qualified, trained and aware of their responsibilities.
- Ensuring that all necessary procedures and practices are in place to provide adequate protection both for children and vulnerable adults, and those working with them.
- Ensuring that external contractors delivering Council services take account of the Council's requirement that workers are aware of and abide by the standards of behaviour expected of Council employees. This includes ensuring that contracted staff have received a level of checks and training that would be expected of internal staff.
- Ensuring that carers and/or parents of children and vulnerable adults are aware that, when providing services, Council employees are not acting in loco parentis.
- Ensuring that this policy is made available to carers and/or parents of the children and vulnerable adults to whom the Council is providing services.
- Ensuring that any evidence or complaint of abuse or lack of care is reported to the Monitoring Officer (in respect of members) or to Human Resources in other cases. However, in urgent cases Heads of Service should report direct

to the appropriate body e.g. Hampshire County Council Children's Services, or Hampshire County Council Adult Service, or the Police (see Appendix 2).

- Ensuring that employees and volunteers do not work with children or vulnerable adults without a CRB check unless accompanied at all times by an employee who has received a clear check.
- Ensuring that proper records are securely kept of any incidents occurring within their service and that these are passed on to Human Resources if the incident involves a member of staff, and to the Monitoring Officer if the incident involved a Member of the Council.
- Working with other associated agencies to ensure the proper transfer of information relating to dealings with children and vulnerable adults, where necessary.

8.8 **All Employees**, particularly those working regularly with children and vulnerable adults, are responsible for:

- Ensuring that they are familiar with and understand the policies and procedures relating to their work with or in the vicinity of children and vulnerable adults.
- Ensuring that they understand the level of training appropriate for their post and that they feel confident in working within this environment and able to communicate with their managers to ensure that they have the knowledge and skills to carry out their tasks in relation to safeguarding.
- Treating all those children and vulnerable adults with whom they come into contact while carrying out their work equally and with respect.
- Reporting to their line manager, or to Human Resources, any concerns they may have about abuse or a lack of care of children and vulnerable adults.

8.9 **Volunteers, contractors and others acting on behalf of the Council** are responsible for:

- Working to the same standard as employees of the Council in ensuring the safety and well-being of children and vulnerable adults within their scope.
- Participating in any training or development opportunities offered to them according to advice from WCC Human Resources as to the level of training required for their particular role.

8.10 **The Commissioning Team** is responsible for ensuring that procurement and commissioning of services is undertaken in line with safeguarding policy and best practice.

9. Funding and Grants

9.1 Where organisations and groups that work with children or vulnerable adults apply to the Council for grant aid, the granting of funds is subject to the recipient organisation having a safeguarding policy in place. This will be checked on application by a self declaration. Winchester Area Community Action will assist not for profit organisations to develop appropriate policies and procedures and to access relevant training.

10. Hiring Council Facilities to Others

10.1 Any hirer who provides activities for children must state this fact on the booking form and sign a self declaration that they are aware of safeguarding procedures or have their own safeguarding policy in place.

11. Tendering and Contracting

11.1 Any contractor or sub-contractor engaged by the Council in areas where workers are likely to come into contact with children or vulnerable adults, should have their own robust safeguarding policy or, failing this, must comply with the terms of this policy.

11.2 All new contracts let by the Council which involve services for children and/or vulnerable adults will include appropriate reference to complying with this policy. Evidence is requested at point of tender and then subsequently checked at periodic intervals.

12. Out of Hours Working

12.1 It is recognised that employees, Members and volunteers work outside of office hours and therefore may have difficulties in contacting the Human Resources team or the Monitoring Officer. If there is an incident or allegations of abuse outside of office hours, this should be reported directly to the **Hants Direct Out of Hours (Children and Adults Services) Duty team on 0845 600 4555**. The employee, Member or volunteer should then complete the Child and Vulnerable Adult Reporting Form (see Appendix 2) and contact the Human Resources team/Monitoring Officer at the first opportunity. Any out of hours working undertaken by an employee should comply with Health and Safety and the Lone Working procedures.

13. Confidentiality

- 13.1 The legal principle that “the welfare of the child is paramount” means that the considerations of confidentiality that might apply to other situations within the City Council should not be allowed to override the right of the child to be protected from harm. The same applies to vulnerable adults.
- 13.2 Every effort should be made to ensure that confidentiality is maintained for all concerned both when an allegation is made and whilst it is being investigated.

14. Record Keeping

- 14.1 Records should be stored securely and shared only with those who **need** to know. These procedures not only serve to protect children/ adults but also protect employees, Members, volunteers and the Council itself. All written/electronic communications should be marked CONFIDENTIAL and sent only to the named person/s dealing with the case. Electronic communications being sent outside the Council should be password protected. The importance of good record keeping in this area cannot be over-stressed.

15. Complaints Procedure

- 15.1 It is important to maintain an open culture whereby employees, Members, volunteers, associated workers, children, vulnerable adults and parents/carers can feel able to express concerns both about safeguarding and issues of poor practice when dealing with children and vulnerable adults.
- 15.2 Employees and Members can raise concerns about other employees or Members by following the Grievance Procedure, the Whistle Blowing Policy or other appropriate procedure. The complaints procedure for members of the public including partners, volunteers and young people is available on the Council’s website or from the Council Offices. www.winchester.gov.uk

16. Recruitment

- 16.1 Through its recruitment procedures for all employees and volunteers who work directly with children or vulnerable adults Winchester City Council will
- Check for convictions for criminal offences against children and vulnerable adults in accordance with current legislation
 - Explore each applicant’s experience of working or contact with children or vulnerable adults prior to an appointment being made
 - Obtain two references, one of which must be from a current employer.

- Verify qualifications and professional registration prior to an appointment being made.
- Undertake any other pre-employment checks, for example confirmation of the applicant's right to work in the UK.

17. Training

17.1 Winchester City Council recognises that it has a commitment to ensure that all employees, Members and volunteers have a clear understanding of their roles and responsibilities when working with children and vulnerable adults. The Council's training process will help them to:

- Be able to recognise signs of abuse and what appropriate course of action should be taken in such circumstances.
- Have an understanding of the potential risks to themselves and ensure that good practice is adhered to at all time.
- Recognise signs of improper behaviour from other employees, Members and volunteers and take appropriate action should this occur.

17.2 All employees who work directly or indirectly with children and vulnerable adults will be required to have training in the above areas to a level commensurate to their need. (See Appendix 5 for further detail).

17.3 Training for Members and volunteers will be developed in accordance with need and relevant guidance.

18. Monitoring this Policy

18.1 Performance indicators for this policy are:

- % Staff/Members reporting that they are confident that they would be able to follow procedures in the event of an incident.
- Number of referrals to Childrens/Adults Services
- % referrals to Childrens/Adults Services reported as having been followed up and acted upon by relevant agencies.

Safeguarding Code of Conduct and Good Practice For Staff, Members and Volunteers

These guidelines are designed not only to protect children and vulnerable adults but also to protect employees, Members and volunteers from situations where false allegations may occur.

*Staff, Members and volunteers **must**:*

- *Treat all children and vulnerable adults and their possessions with respect.*
- *Provide an example of good conduct they wish others to follow.*
- *Ensure that whenever possible there is more than one adult present during activities with children and vulnerable adults or at least that they are within the sight or hearing of others.*
- *Respect the child/vulnerable adult's right to personal privacy and encourage them to feel comfortable enough to point out attitudes or behaviour they do not like.*
- *Remember that someone else might misinterpret their actions, no matter how well intentioned.*
- *Be aware that physical contact with a child or vulnerable adult may be misinterpreted and be mindful of how and where they touch them.*
- *Recognise that special caution is required when discussing sensitive issues*
- *Challenge unacceptable behaviour and report all allegations/suspicious of abuse.*
- *Be identifiable and have their photo ID card at all times.*
- *Keep the child's or vulnerable adult's needs first and performing outcomes second.*

*Staff, Members and volunteers **must not**:*

- *Have inappropriate physical or verbal contact with children or vulnerable adults.*
- *Make sexually suggestive comments, even in fun.*
- *Make derogatory remarks or gestures in front of children or vulnerable adults.*
- *Jump to conclusions about others without checking the facts.*
- *Exaggerate or trivialise child or vulnerable adult abuse issues.*
- *Show favouritism to individuals.*
- *Ask people to do things that are potentially dangerous, illegal or otherwise unreasonable.*
- *Allow bullying.*

- *Let allegations a child or vulnerable adult makes be ignored or go unrecorded.*
- *Take chances when common sense, policy or practice suggests a more prudent approach.*
- *Take children or vulnerable adults alone on a vehicle journey unless in an emergency or with parental consent.*
- *Take children/ vulnerable adults to their home.*
- *Meet up with children/vulnerable adults outside their work with Winchester City Council unless it is with the full consent and knowledge of the person's parents/carers and their manager.*
- *Never enter a house when a child is in there on their own.*

Personal Care

It may sometimes be necessary for employees/volunteers to do things of a personal nature for children or vulnerable adults, particularly if they are very young or disabled. These tasks should only be carried out with the full understanding and consent of the parents/carers. If an emergency situation arises that requires this type of help then parents/carers should be fully informed as soon as it is reasonably possible.

Restraint

'Restraint' is where a child /vulnerable adult is being held, moved or prevented from moving, against their will because not to do so would result in injury to themselves, or to others or would cause significant damage to property. Restraint must always be used as a last resort, when all other methods of controlling a situation have been tried and failed. Restraint should never be used as a punishment or to bring about compliance (except where there is a risk of injury).

Only those who are who are properly trained in restraint techniques should carry it out. The person should be restrained for the shortest period necessary to bring the situation under control.

All such incidents should be recorded, detailing:

- *the facts of the behaviour*
- *witnesses*
- *who restrained the person and how*
- *what other methods had been tried*
- *what other follow up action took place*

This record should then be passed to the Head of Organisational Development (staff) or the Monitoring Officer (Members).

Safeguarding Procedures for Staff, Members and Volunteers

See flowcharts summarising the procedures at Fig 1 and Fig 2.

The Reporting Form can be found with other Safeguarding resources on the WCC intranet (see Fig 3 example below). Where staff and volunteers do not have access to the Intranet, their managers should make sure that they are able to access this information in other ways and that they receive the appropriate induction and further training as relevant to their role.

A Action to be taken if abuse is disclosed or suspected

Responding to allegations and suspicions of abuse to children or vulnerable adults:

- Ensure the immediate safety of the child or adult.
- Stay calm.
- Listen carefully.
- Find an appropriate, early opportunity to explain that it is likely that the information will need to be shared. Do not promise to keep secrets.
- Allow the child/adult to talk at their own pace.
- Ask questions for clarification only and at all times avoid asking questions that suggest a particular answer.
- Reassure the child/adult that they have done the right thing in telling you.
- Tell them what you will do next and with whom the information will be shared.
- Record in writing what was said using the child's/adult's own words as soon as possible. Note the date and time, any names mentioned and to whom the information was given. Ensure that you sign and date the record.
- Relay this information as soon as possible to Human Resources or your manager (staff) or to the Monitoring Officer (Members).
- If you consider a criminal offence has taken place consideration should be taken to report this to the police or to support the victim to report it.
- Staff and Members should be aware that approaching an alleged abuser may prejudice any future investigation and allow the perpetrator to cover their tracks. This should be avoided if possible.
- Services registered with the Care Quality Commission should inform the Commission of any possible safeguarding issues within 24 hours of an alert being raised and passed to Adult Services for investigation.

Ref: Child and Vulnerable Adult Reporting form (see Fig 3 below)

Remember - the person who first encounters a case of alleged or suspected abuse is **not** responsible for deciding whether or not abuse has occurred. This is the task of the professional agencies following a referral to them of a concern about a child or vulnerable adult.

What do I do if I think a child or vulnerable adult is in immediate danger?

If you think a child or vulnerable adult is in *immediate* danger or a crime has been committed then always contact the police on 999. Afterwards staff/volunteers should report their action to their manager or to Human Resources. Members should report their actions to the Monitoring Officer. A reporting form should be completed.

B. Responding to suspicions that an employee, Member or volunteer may be abusing a child or vulnerable adult or not following the Code of Conduct and Good Practice.

Any employee, Member or volunteer who suspects that a colleague may be abusing children/vulnerable adults or in any way behaving inappropriately, should act on their suspicions. Action should also be taken if it is felt that colleagues are not following the codes of conduct set out in this document. This action will serve not only to protect children/ or vulnerable adults but also colleagues from false accusations.

- Write down the details of the incident following the guidelines in this policy.
- Pass this report to your manager (staff) or the Monitoring Officer (Members) at the earliest opportunity.
- The manager/Monitoring Officer should then take appropriate action to ensure the safety of the child/adult and of any other child/adult who may be at risk.
- The matter should then be considered by the Monitoring Officer and if necessary the Head of Organisational Development, who will then consider whether the matter is an issue relating to poor practice or to child/adult abuse.
- If the matter relates to poor practice, procedures relating to misconduct should be followed. If the matter relates to child/adult abuse the matter should be referred to Children or Adult Services who may involve the Police, and the employee suspended pending the outcome of an internal investigation into the allegations.

Winchester City Council acknowledges that this is an extremely sensitive issue and assures all employees and persons working on its behalf that it will fully support and protect anyone, who in good faith, reports a concern that a colleague is, or may be, abusing a child or vulnerable adult.

C. Contacts and Sources of Information

To report your concerns or to talk to a duty social worker regarding child protection call HantsDirect (Childrens Services)

0845 603 5620 (office hours)

0845 600 4555 (out of hours)

Professionals Line 01329 225379

www.hants.gov.uk/childrens-services

To report your concerns or to talk to a duty social worker regarding vulnerable adults call HantsDirect (Adult Services)

0845 603 5630 (office hours)

0845 600 4555 (out of hours)

Professionals Line 01329 225378

www.hants.gov.uk/adult-services

Police (non emergency)	0845 045 45 45	
NSPCC Child Protection Helpline	0800 800 5000	www.nspcc.org.uk
ChildLine	0800 1111	www.childline.org.uk
Elder Abuse Response helpline	0808 8088141	www.elderabuse.org.uk
Respond – for people with learning difficulties	0808 8080700	www.respond.org.uk

Remember - it is not the role of the Council to decide whether a child or adult has been abused or not. This is the task of Children or Adult Services, which has the legal responsibility. It is however, everybody's responsibility to ensure that concerns are shared and appropriate action taken.

Should an employee feel they require support following their involvement with a safeguarding concern, information on the Winchester City Council confidential counseling service can be found on the Councils intranet under the Human Resources section.

Fig 1 Staff, Members and Volunteers Safeguarding Reporting Procedure

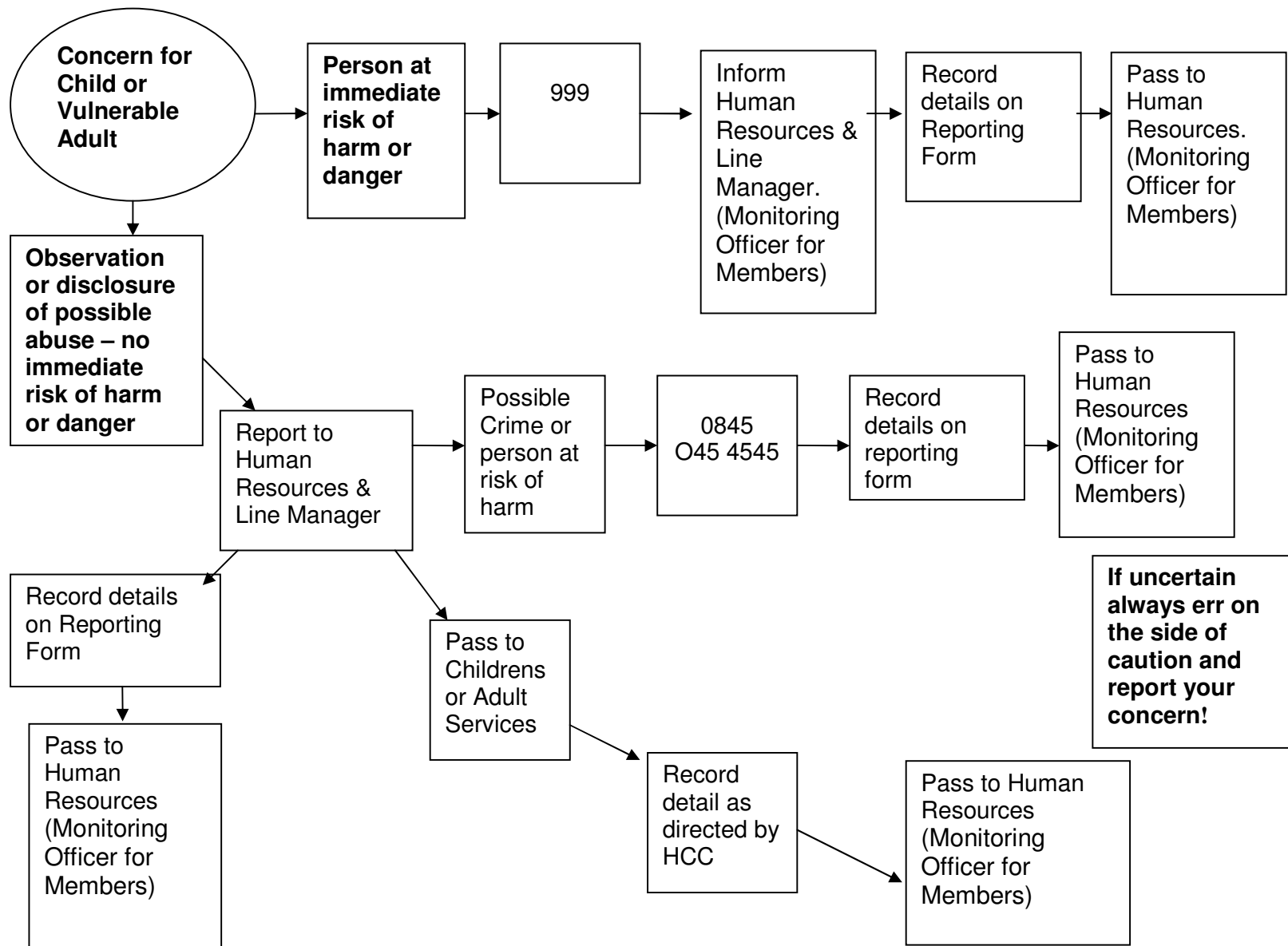


Fig 2 Line Manager/Human Resources Reporting Procedure

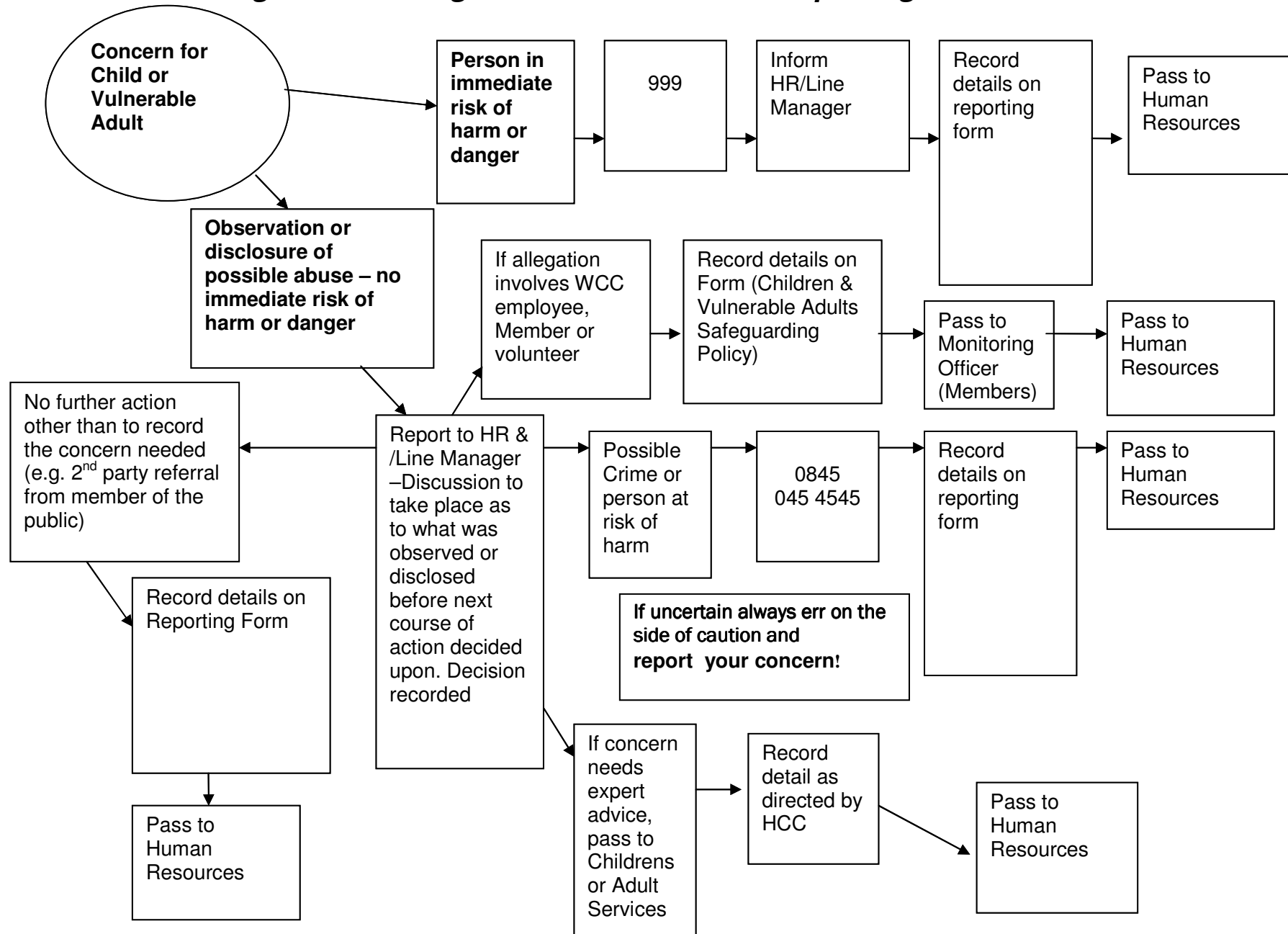


Fig 3. Safeguarding Reporting Form

This information will be treated in confidence. Please provide as much information as possible (boxes expand)

Your Name:
Your Position:
Child/Adult's Name:
Child/Adult's Address:
Child/adult's Date of Birth: (or approximate age)
Next of Kin:
Ethnicity of child/adult (If possible)
Name (s) and address of parent/carer: (if applicable)
Name of school (if applicable):
Are you reporting your own concerns or passing on those of someone else? Please provide details.
Have you spoken to the child/person? If so, please provide details.
Date and time of disclosure:
Your observations eg physical signs? Behavioural signs? Indirect signs?
Exactly what the child/adult said and what you said: Remember to record details in the person's own words.
Have you spoken to the parent(s)/carer(s)? If so, please provide details
Has anybody been alleged to be the abuser? If so, please provide details.
Action taken so far:
Have you consulted anyone? Please provide details.
Your Signature

Print Name:
Date:
This document should now be passed to Winchester City Council's Human Resources Team in a sealed envelope.

This Section to be completed by Line Manager, Human Resources Representative, or Monitoring Officer as appropriate.

Details of consultation and investigation undertaken:
Indicate decision made: No Further Action Continued Monitoring Formal Referral
Details:
Date:
Details of Formal Referral: (Including the agency to which the case is being referred and a contact name with the agency, date of referral)
Notes:
Human Resources Rep Signature: Name:
Date:
Copy of Record Form To? NB This information is confidential and must be retained and stored securely!

Children Out of School Guidance

(This guidance had been prepared by Test Valley Borough Council involving consultation with HSCB partners.)

All school aged children should be in school during term time unless accompanied by a responsible adult. This guidance outlines the responsibility and actions that employees must take if they see a situation where a child or young person may be putting them self or others **at risk of harm**.

If the child/group appears to be behaving in a way that causes concern or they are putting themselves or others at risk of harm and if

- Drug or alcohol use is suspected
- Anti- social behaviour (vandalism, bullying, intimidation) is taking place

The officer must call the Police on the 0845 045 4545 stating clearly what they have seen.

They should call 999 if they feel it is an emergency and ask for the appropriate emergency service.

Such action must also be reported to their line manager at the first opportunity. Actions of an employee will be supported by the Council in accordance with the Safeguarding Children and Vulnerable Adults Policy where an employee is acting in good faith and responding to a concern.

The officer does not have to approach the child, young person or group as this is not their responsibility and they may be putting themselves at risk, but they should act quickly and report as above.

If in any doubt, an officer should always act on the side of caution and report their concern and let the correct authorities decide if any further action is required.

This type of information sharing will also help to identify areas of hotspots for truancy and action can then be taken by relevant agencies to tackle this problem.

These actions may prevent a child or young person from coming to harm.

N.B Please note that in exceptional circumstances a small number of children/ young people are not educated during normal school hours or alternatively may be home schooled. This should be taken into account when reporting concerns.

Procedure for Serious Case Reviews And Internal Management Reviews

A Serious Case Review (SCR) takes place when a child dies, sustains a life-threatening injury, permanent impairment of health or development, or a number of other circumstances (listed below). The prime purpose of a SCR is for agencies and individuals to learn lessons to improve the way in which they work both individually and collectively to safeguard and promote the welfare of children

A SCR is always instigated by the Hampshire Safeguarding Childrens Board (HSCB) as a result of the following:

- When a child dies (including death by suspected suicide), and abuse or neglect is known or suspected to be a factor in the death.

Additionally, HSCB may decide to conduct a SCR whenever a child has been seriously harmed in the following situations:

- A child sustains a potentially life threatening injury or serious and permanent impairment of physical and mental health and development through abuse or neglect;
- A child has been seriously harmed as a result of being subjected to sexual abuse;
- A parent has been murdered and a domestic homicide review is being initiated under the Domestic Violence Act 2004;
- A child has been seriously harmed following a violent assault perpetrated by another child or an adult;
- The case gives rise to concerns about the way in which local professionals and services worked together to safeguard and promote the welfare of children. This includes inter-agency and inter-disciplinary working.

Process

The Chief Executive or Strategic Safeguarding Officer at WCC would be notified by the HSCB that a child or young person living within their area is subject of a SCR and that the designated officer will need to initiate an Internal Management Review (IMR)

The IMR is a chronology and written account of each Services involvement with the named person, their family or care provider. The terms of reference of the IMR will

be clearly stated by the HSCB at onset as to the level, extent and time scale the IMR must cover.

As soon as WCC receives notification of the need to carry out an IMR all files, written or electronic or any other type of documentation pertaining to the child or adult must be secured (electronic files to be made 'read only' by all) and access given to Human Resources and the Monitoring Officer.

Staff involved need to be assured that the SCR is not about placing blame or finding fault but a process to find out what lessons can be learnt and if any procedures need to be improved to prevent the reoccurrence of the same circumstances.

The SCR overview report and the IMR will be used to produce an executive summary. The content of the executive summary will be suitably anonymised in order to protect the identity of children, relevant family members and others and to comply with the Data Protection Act 1998. The executive summary should, however, include the names of the LSCB Chair, SCR Panel Chair, the overview report author, and the job titles and employing organisations of all the SCR Panel members. The content of the summary will also include information about the review process, key issues arising from the case, the recommendations and the action plan (including any actions that have been completed).

The same process would be followed in the event of detail or serious harm to a vulnerable adult.

Required Levels of Training

The importance of fully implementing this Safeguarding Policy cannot be over stated and it is important that all staff, volunteers and Councillors understand their roles. To this end 3 new training levels have been identified and will be provided as necessary to get everyone up to speed and to maintain levels of awareness into the future.

Induction processes and appraisal meetings will initially be used to identify which roles require which level of training. By the end of 2011/12 all new Job Descriptions will include reference to the level of safeguarding training required for that role.

Details and dates of training opportunities will be promoted on the Safeguarding pages of the Intranet, on the Training Portal, and via City Voice and Members Briefing Note.

Induction Level Training

Covering basic information about the safeguarding of children and vulnerable adults this level is required for all staff and volunteers as they join the organisation and for existing staff and volunteers if they have not had previous training in safeguarding.

The training provides basic awareness of what is meant by safeguarding and what to do if abuse is suspected or disclosed. It will be provided in-house on a regular basis using training materials developed by the Hampshire Districts Safeguarding Leads Group.

Level Two

An additional level of training required for all staff and volunteers whose work brings them into contact with children and vulnerable adults on a regular basis.

This level of training is also considered most suitable for Members of the Council who are likely to meet and interact with children and vulnerable adults frequently in their wards. Existing Councillors are required to attend Level 2 training. New councillors will be offered the training within 4 months of joining the Council.

The Council's Integrated Impact Assessment tool (IIA) has been designed to help staff think through safeguarding, equality/diversity, and sustainability issues in relation to new services, projects, policies, action plans. All staff using the IIA tool should undertake Level 2 training.

Level 2 comprises:-

- A specific training course developed within Hampshire with the particular needs of diverse district council services in mind. This course covers both children and vulnerable adults and will be run in-house.
- The 'Trigger Tool' training which equips those who visit vulnerable adults at home with an awareness of a range of safeguarding issues and a list of up to date contacts.
- The Hampshire Domestic Abuse Forum basic awareness e-learning course. The course can be accessed from the Safeguarding pages on the Intranet.

Level Three

In addition to the above, including a more in-depth version of the in-house training session, a range of advanced training courses are regularly provided by the Hampshire Safeguarding Children Board's multi-agency training calendar and via Hampshire County Council Adult Services. These courses are promoted by Human Resources on the Training Portal and via the Safeguarding pages on the Intranet. WCC staff who work closely with children and young people and vulnerable adults and who may be asked to contribute to assessments of children in need are encouraged to take up these opportunities as relevant. Staff working at this level will be expected to be familiar with relevant sections of Working Together to Safeguard Children - A Guide to Inter-Agency Working to Safeguard and Promote the Welfare of Children' which is available at this link <https://www.education.gov.uk/publications/eOrderingDownload/00305-2010DOM-EN-v3.pdf> (see Page 23 'How to Use this Document').

The Common Assessment Framework (CAF)

The Common Assessment Framework is a shared assessment and planning tool for use across all children's services and all local areas in England. It aims to help the early identification of children and young people's additional needs and promote co-ordinated service provision to meet them.

The CAF consists of

- a pre-assessment checklist to help decide who would benefit from a common assessment
- a process to enable practitioners in the children and young people's workforce (ie across agencies) to undertake a common assessment and then act on the result
- a standard form to record the assessment
- a delivery plan and review form

The CAF is aimed at children and young people with additional needs who have

needs that are not being met by their current service provision. The assessment covers three domains: development of the child or young person; parents and carers; and family and environment.

WCC staff whose jobs require them to access Level 3 training should understand the Government outcomes for all children and young people as set out in Every Child Matters (ECM). They should know about the CAF and when an assessment is needed.

In addition some staff will be involved in initiating a CAF assessment. In district councils staff in Housing services are most likely to be operating at this level. Accordingly two members of the WCC Housing Management team are trained to initiate and complete a CAF process.

Legislation and Statutory Guidance

CHILDREN ACT 2004:

Section 10 requires each Local Authority to make arrangements to promote co-operation between the authority, each of the authority's relevant partners (see the table below) and such other persons or bodies, working with children in the local authority's area, as the authority consider appropriate. The arrangements are to be made with a view to improving the well-being of children in the authority's area - which includes protection from harm or neglect alongside other outcomes. This Section of the Children Act 2004 is the legislative basis for children's trust arrangements.

Section 11 requires a range of organisations including district councils to make arrangements for ensuring that their functions, and services provided on their behalf, are discharged having regard to the need to safeguard and promote the welfare of children.

Section 13 requires a range of organisations including district councils to take part in Local Safeguarding Children Boards.

Related Guidance:

Working Together to Safeguard Children – A guide to interagency working HM Gov 2010

The Role of District Councils in Safeguarding Adults (LGI&D Aug 2010)

The Role of District Councils in Safeguarding Children and Young People (LGI&D Jul 2010)

CHILDREN ACT 1989:

Section 27 places a specific duty on other local authority services ie those not directly children's services, and health bodies to co-operate in the interests of children in need.

Under **s47**, the same agencies are placed under a similar duty to assist local authorities in carrying out enquiries into whether or not a child is at risk of significant harm.

Under **s17**, Councils with Social Services Responsibilities carry lead responsibility for establishing whether a child is in need and for ensuring services are provided to that child as appropriate.

Other relevant legislation

DATA PROTECTION ACT 1998:

The Data Protection Act 1998 regulates the handling of personal data including obtaining, recording, storing and disclosing it. The Act requires that personal data be:

- Obtained and processed fairly and lawfully
- Processed for limited purposes and not in any manner incompatible with those purposes
- Accurate and relevant
- Held for no longer than necessary
- Kept secure
- Only disclosed if specific conditions set out in the Act are satisfied

If you are making a decision to disclose personal data you must comply with the Act. However, the Act should not be an obstacle if:

- You have particular concerns about the welfare of a child
- You disclose information to social services or to another professional; and
- The disclosure is justified under the common law duty of coincidence

Consent to disclosure is not always necessary under the Data Protection Act. The Act does allow disclosure of information without the consent of the subject in certain circumstances, e.g. where 'sensitive data' such as personal health information, needs to be disclosed to prevent or detect any unlawful act or is necessary for legal proceedings.

HOMELESSNESS ACT 2002:

Under **section 12**, housing authorities are required to refer homeless persons with dependent children who are ineligible for homelessness assistance or are intentionally homeless, to social services, as long as the person consents. If homelessness persists, any child in the family could be in need. In such cases, if Social Services decide the child's needs would be best met by helping the family to obtain accommodation, they can ask the housing authority for reasonable assistance in this and the housing authority must respond.

HOUSING ACT 2004:

Part 1 of the Housing Act 2004 gives local authorities powers and duties to take action against bad housing conditions, and introduces a new Housing Health and Safety Rating System under which authorities' environmental health professionals will assess the impact of health and safety hazards in the light of the occupants most vulnerable to them. Examples are damp and mould (to which the most vulnerable age group is children under 14), problems with washing facilities, sanitation and

drainage (children under 5) and falls between levels (children under 5). The new system replaces the housing fitness standard and provides an objective way of assessing the seriousness of hazards and identifying the most appropriate remedial action.

HUMAN RIGHTS ACT 1998

Section 6(1) places a duty on all public authorities to act in a way that is compatible with the rights and freedoms of the European Convention of Human Rights that have been incorporated by the 1998 Act. These convention rights include Article 2 - the right to life, Article 3 – “no one shall be subjected to torture or inhumane or degrading treatment or punishment” and Article 8 – “everyone has the right to respect for his private and family life, his home and his correspondence...There shall be no interference by a public authority with exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic wellbeing of the country, for the prevention of disorder or crime, protection of health or morals or for the protection of rights and freedom of others”.

THE MENTAL HEALTH CAPACITY ACT 2007

Provides a statutory framework to empower and protect people who may lack capacity to make some decisions for themselves, for example, people with dementia, learning disabilities, mental health problems, stroke or head injuries who may lack capacity to make certain decisions.

THE SAFEGUARDING VULNERABLE GROUPS ACT 2006

The Safeguarding Vulnerable Groups Act was designed to solve the failures identified by the 2004 Bichard Inquiry arising from the Soham murders. It provides the legislative framework for a Vetting and Barring scheme. The Independent Safeguarding Authority would make all decisions about who should be barred from working with children and vulnerable adults. The Vetting and Barring scheme would deal with activities that are classified as ‘regulated’ or ‘controlled’. These activities include both paid and unpaid (voluntary) work. There would be two separate but aligned ISA Barred Lists (one for those barred from working with children and one for those barred from working with vulnerable adults). Barred individuals could be placed on one or both of these lists.

On February 11 2011 the Coalition Government published the findings of a review into the Vetting and Barring Scheme. Key recommendations include:

- the merging of the Criminal Records Bureau (CRB) and the Independent Safeguarding Authority to form a streamlined new body providing a proportionate barring and criminal records checking service;

- a large reduction in the number of positions requiring checks to just those working most closely and regularly with children and vulnerable adults;
- portability of criminal records checks between jobs to cut down on needless bureaucracy;
- an end to a requirement of those working or volunteering with vulnerable groups to register with the VBS; and
- stopping employers who knowingly request criminal records checks on individuals who are not entitled to them.

The ISA is currently awaiting further details in respect of implementing the new arrangements. The Coalition Government has confirmed that until all the appropriate legislation has been introduced and the new arrangements established, the existing responsibilities of employers and the ISA will remain. These include:

- *A person who is barred from working with children or vulnerable adults will be breaking the law if they work or volunteer, or try to work or volunteer with those groups.*
- *An organisation which knowingly employs someone who is barred to work with those groups will also be breaking the law.*
- *If your organisation works with children or vulnerable adults and you dismiss or remove a member of staff or a volunteer because they have harmed a child or vulnerable adult, or you would have done so if they had not left, you must tell the Independent Safeguarding Authority.*

Related Guidance: No Secrets (DOH 2000)

This document gives guidance to local agencies who have a responsibility to investigate and take action when a vulnerable adult is believed to be suffering abuse. It offers a structure and content for the development of local inter-agency policies, procedures and joint protocols which will draw on good practice nationally and locally.

http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_4008486

CRB Checks: Eligible Positions Guidance

The following is taken from the Home Office website. The full text can be found here <http://www.homeoffice.gov.uk/publications/agencies-public-bodies/CRB/about-the-crb/eligible-positions-guide?view=Binary>

See also the WCC policy on the handling and safekeeping of disclosure information <http://ntserver7/intranet/personnel/policy/documents/CRBDisclosureInfoV1.0.pdf>

Under the Rehabilitation of Offenders Act 1974 a person with a criminal record is not required to disclose any spent convictions unless the position they are applying for, or are currently undertaking, is listed as an exception under the Act. Before an organisation considers asking a person to make an application for a Standard or Enhanced Level CRB Check they are legally responsible for ensuring that they are entitled to ask that person to reveal their conviction history.

The positions listed below represent the professions, offices, employments, work and occupations that are known as the exceptions to the Rehabilitation of Offenders Act 1974. This is not an exhaustive list but identifies those roles/positions that are commonly submitted by organisations seeking CRB checks. Organisations registered with the CRB can only countersign an application for a CRB Check if the position is included in this list. Please note that the Eligibility Code is used by CRB as a reference point for dealing with enquiries about CRB Check Eligibility. The links provided will take you to the relevant schedule within the act.

If you are unsure about whether a position is eligible for a CRB Check you should refer to any guidance provided for the job sector, consider obtaining legal advice or contact one of the organisations such as NACRO, Unlock or Apex Charitable Trust who provide independent advice on the requirements to obtain criminal records. You can also contact CRB for advice and guidance via email at customerservices@crb.gsi.gov.uk providing the job specification and the roles and duties of the position.

Eligibility criteria

- Any work which is defined as regulated activity relating to children within the meaning of Part 1 of Schedule 4 to the Safeguarding Vulnerable Groups Act 2006
- Any work which is defined as regulated activity relating to children within the meaning of Part 1 of Schedule 4 to the Safeguarding Vulnerable Groups Act 2006

- Any work which is defined as regulated activity relating to vulnerable Adults within the meaning of Part 2 of Schedule 4 to the Safeguarding Vulnerable Groups Act 2006.
- Any work which is defined as regulated activity relating to vulnerable Adults within the meaning of Part 2 of Schedule 4 to the Safeguarding Vulnerable Groups Act 2006
- Any office or employment which is concerned with:
 - (a) the provision of care services to vulnerable adults;
 - (b) the representation of, or advocacy services for, vulnerable adults by a service that has been approved by the Secretary of State or created under any enactment; and which is of such a kind as to enable a person, in the course of his normal duties, to have access to vulnerable adults in receipt of such services
- Any work in a further education institution where the normal duties of that work involve regular contact with persons aged under 18
- Any position which otherwise involves regularly caring for, training, supervising or being solely in charge of persons under 18
- Any position which otherwise involves regularly caring for, training, supervising or being solely in charge of vulnerable adults within the meaning of section 59 of the Safeguarding Vulnerable Groups Act 2006.