

Wokingham Borough Council Safeguarding Policy

1. Introduction

SAFEGUARDING CHILDREN

Section 175 of The Education Act 2002 (in respect of education functions of the Council) and section 11 of the Children Act 2004, gives Wokingham Borough Council an absolute duty to promote and safeguard the welfare of the child, and to have due regard to guidance issued by the Secretary of State.

In this context, child means anyone under the age of eighteen.

The Children Act 1989 requires the Authority to promote and safeguard the welfare of children in need (section 17) and ensure to investigate where there is concern that a child is suffering, or likely to suffer, significant harm (section 47)

In addition, the Children Act 2004 requires Wokingham Borough Council to make arrangements to promote co-operation between the authority, each of the authority's relevant partners and such other persons or bodies, working with children in the local authority's area, as the authority consider appropriate. In particular, certain bodies have a statutory duty to co-operate with the local authority.

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.

Because of its responsibilities, duties and powers in relation to vulnerable children, Children's Services acts as the principal point of contact for children about whom there are child welfare concerns. We will take referrals from all sources and liaise with other statutory agencies and appropriate voluntary bodies regarding child protection matters.

SAFEGUARDING VULNERABLE ADULTS

The Council's responsibilities for safeguarding adults are contained in guidance from the Department of Health, No Secrets (2000), although this is not primary legislation it was issued under section 7 of the Local Authority Social Services Act 1970, therefore it is statutory guidance and should be followed unless there is a strong argument for not doing so. It requires local authorities to have in place the necessary safeguards to recognise and respond to abuse and to work with other agencies to draw up policies and procedures for the protection of vulnerable adults.

A vulnerable adult is someone who may be in receipt of, or who may be in need of community care services. This may include young people who are 18.

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DOMESTIC ABUSE

In addition to the statutory duties in relation to children and vulnerable adults who witness or become victims of domestic abuse, The Crime and Disorder Act (1998) requires Local Authorities to form local multi-agency partnerships to address community safety issues including Domestic Abuse.

The Youth Justice & Criminal Evidence Act (1999) makes provision to maximise access to justice for vulnerable adults. It includes those who have experienced Domestic Abuse and individuals who are likely to be or who have been subject to intimidation due to the behaviour of others including family and associates.

This policy uses the term “Domestic Abuse” rather than “Domestic Violence” as the impact can go beyond actual physical violence, to involve emotional abuse the destruction of property, isolation from friends, family or sources of support, control over decision making, money, transport or telephone and can include the impact of witnessing violence, particularly for children

The government’s definition of domestic abuse is:

“...any incident of threatening behaviour, violence or abuse (psychological, physical, sexual, financial or emotional) between adults who are or have been intimate partners or family members, regardless of gender or sexuality.”

(Home Office, Domestic Violence: A National Report, March 2004)

2. Purpose

2.1. The purpose of this document is to ensure that, across the whole Council:

- All staff and Members are aware of safeguarding children and safeguarding adults issues
- Staff and Members are aware of the existence of the policy and procedures in relation to the Council’s safeguarding responsibilities.
- Staff and Members are aware of the domestic abuse and ensure that they understand that best practice will involve empowering the non-abusive parent/carer/adult to make positive choices and increase their safety and that of any children, whilst working with other agencies to hold the abuser responsible and accountable for their actions.
- Staff can identify, support and protect those in Wokingham who are affected by Domestic Abuse (and particularly children and vulnerable adults) and to help them have happier, healthier, safer lives.
- Acknowledge and work to reduce the negative impact of Domestic Abuse within all communities across Wokingham.

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All employees of Wokingham Borough Council are expected to give the highest possible standard of service to the public. Employees should conduct themselves with integrity, impartiality and honesty. It is the Council's policy that any employee who fails to observe the expected standards of behaviour and who impedes the service to our customers or brings the Council into disrepute may be liable to disciplinary action. See the Policy and Guidance to Conduct and Personal Behaviour. <http://www.wokingham.gov.uk/grapevine/employee-information/human-resources/policies--guidance/conduct--behaviour> and for Schools <http://www.wokingham.gov.uk/children-youth-education/school-learning-community/school-leadership/policies/code-of-conduct-policy>.

This Policy is designed to complement the Recruitment and Retention Policy and Guidance.

3 Scope

- 3.1. The policy will apply to all employees of Wokingham Borough Council including schools, elected members, contractors and temporary/casual/volunteer workers.
- 3.2. Everyone who works for Wokingham Borough Council has a responsibility to ensure that this policy is properly observed and fully complied with. It also extends to persons other than employees on whom the Council undertakes criminal conviction checks (e.g. foster carers, adoptive parents, other carers recruited but not employed by the Council).
- 3.3. This policy also places obligations on all managers and other persons who may receive conviction information in the course of their work to act in accordance with the CRB's Code of Practice
- 3.4. Adults and children are protected under the Human Rights Act 1998 and failure to comply with this could lead the Council to be sued.
 - Right to life-this means that failure to protect an adult against actions or omissions that could lead to their death.
 - Right not to be subjected to inhuman or degrading treatment – including treatment by Council staff or contractors.
 - Right to liberty and security- this means that no one can be detained unless a lawful procedure is followed
 - Right to respect for family and private life - this means that interference in peoples lives must be absolutely necessary and lawful.

4. Equal Opportunities

- 4.1. Our Equal Opportunity Policy reflects one of the Council's core values. All employees and services users are entitled to fair treatment by others, and to be treated with respect and dignity. In return, they are expected to treat others in this way. We will ensure that employees and service users are not discriminated against on the grounds of gender, race, marital status, nationality, disability, sexuality, age or religion. The Council acknowledges that unfair discrimination can arise on occasion and therefore will ensure that the Equal Opportunities Policy is the

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foundation for all its activities. See Equal Opportunities Policy go to <http://www.wokingham.gov.uk/grapevine/corporate-structure/human-resources/policies--guidance/equal-opportunities>

5. Procedure Description:

- 5.1. We agree that we have a primary responsibility for the care, welfare and safety of the children and vulnerable adults who access our services and we will carry out this duty through all our contact with children and vulnerable adults

In order to achieve this, all members of staff¹ in whatever capacity, will at all times act proactively in welfare matters, especially where there is a possibility that a child or vulnerable adult may be at risk of harm.

- 5.2 In investigating concerns about these matters we will work in partnership with users, carers and other statutory and voluntary agencies.

It therefore follows that:

- All children have an absolute and equal right to a childhood free from abuse, neglect or exploitation discrimination and harassment.
 - All vulnerable adults have an absolute and equal right to a life that is free from abuse, neglect or exploitation discrimination and harassment.
 - The needs of the child or vulnerable adult are paramount and should underpin all protection work and resolve any conflicts of interest.
 - All children and vulnerable adults deserve the opportunity to achieve their full potential.
 - All children and vulnerable adults have the right to be safeguarded from harm and exploitation without regard to:
 - Family makeup
 - Race, religion, preferred language or ethnicity
 - Age, gender, health, sexuality or disability
 - Location or placement
 - Criminal behaviour or
 - Political or immigration status
- 5.3 Parents and carers have a right to be informed about any concern about their child's welfare or any action taken to promote and safeguard and promote the child's welfare, providing this does not compromise the child's safety.
- 5.4 Family members of vulnerable adults have similar rights,
- 5.5 Children and vulnerable adults are best protected when professionals work effectively together and share responsibility for protective action.

¹ In this document, "member of staff" includes volunteers, foster carers, matrons, staff in contracted out and bought in services

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- 5.6 When children or vulnerable adults make allegations about abuse or neglect, they should always be listened to, have their comments taken seriously and, where appropriate, investigated thoroughly.
- 5.7 We will assume people have mental capacity and are able to make informed decisions unless we have evidence to the contrary.

6 Primary Aims

- 6.1. Wokingham Borough Council will seek to ensure that children and vulnerable adults are protected from emotional, physical and sexual abuse and neglect² and exploitation.
- 6.2 Where there are welfare concerns the Council will ensure that children are with parents or carers who are capable of providing safe and effective care throughout their childhoods.
- 6.3 Similarly, the Council will ensure that vulnerable adults have access to safe and effective care.
- 6.4 Where we receive notification from the Police or any other agency or voluntary organisation, that there has been an incident of Domestic Abuse, and there is one or more of the following: a child or vulnerable adult is a member of, or regularly visits the household or has witnessed or is likely to have witnessed (seeing or overhearing) the abuse, we will deal with this in accordance with child and vulnerable adult protection processes.
- 6.5 Child and vulnerable adult protection services will be undertaken within the overall provision of Children's Services/Community Care with a focus upon good outcomes for children, vulnerable adults and their families.
- 6.6 Our staff will behave with respect and courtesy towards families, respecting and valuing diversity in everything including cultural background and ability.
- 6.7 We will seek to ensure consistency of approach in undertaking child and vulnerable adult protection enquiries and assessing and responding to risk.
- 6.8 The Council will continue to improve the ways in which we listen to children and vulnerable adults and their families and involve them in decision making and outcomes focused planning where we can.

7. Partnership

- 7.1. The Council believes that the best outcomes for children and vulnerable adults generally are achieved when professionals can work effectively in partnership with parents/carers and families.
- 7.2. We believe in open and honest communication and will always share with parents/carers any information or concerns that they have about their child or an adult member of the family who is vulnerable, at the earliest opportunity. The only exception would be where such

² Described in more detail in "Working Together To Safeguard Children" (DfES 2006) and the Berkshire LSCBs' Child Protection Procedures 2006

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communication might compromise safety or jeopardise a criminal investigation.

- 7.3. When there is a need for protection and the child or vulnerable adult becomes the subject of a child or vulnerable adult protection plan, we will continue to work in partnership with parents/carers; planning and decision making will be undertaken with the full participation of parents/carers (as long as it is safe to do so) and, where appropriate, children or vulnerable adults.
- 7.4 We will work closely with other statutory agencies (such as Thames Valley Police) and appropriate voluntary organisations (such as Berkshire Women's Aid) in exercising our duties and responsibilities.
- 7.5 We will take lead responsibility in child and vulnerable adult protection, but will involve all other agencies in sharing in the work of prevention, intervention and implementation of protection plans.

8 Recruitment

- 8.1 In order to ensure that children are protected when working with our services, we will ensure that our staff and volunteers who work with children and their families are carefully selected, screened, trained and supervised.
- 8.2 As a consequence, the safe recruitment principles set out in the Recruitment and Retention Policy and Guidance should be followed when a person is employed, or works as a volunteer, with children or vulnerable adults,
- 8.3 In addition, we will ensure that the following checks are satisfactorily completed before a person takes up a position:
 - Identity checks to establish that applicants are who they claim to be. Section 8 of the Asylum and Immigration Act 1996 requires all employers in the UK to make basic document checks on every person they intend to employ. By making these checks, employers can be sure they will not break the law by employing illegal workers.
 - Academic qualifications, to ensure that qualifications are genuine
 - Where required, registration with an appropriate professional body (eg GSCC)
 - Professional and character references prior to offering employment
 - Satisfy conditions as to health and physical capacity
 - Previous employment history will be examined and any gaps accounted for.

9 Volunteers

- 9.1. We understand that some people otherwise unsuitable for working with children or vulnerable adults may use volunteering to gain access to these groups. For this reason, any volunteers working in any Council service, in whatever capacity, will be given the same consideration as paid staff.
- 9.2. Where a parent/carer, family member or other volunteer helps on a one-off basis, he/she will only work under the direct supervision of a member of staff, and at no time have one to one contact with children or vulnerable adults. However, if a parent/carer, family member or other volunteer is to work with children or vulnerable adults regularly or over a longer period then they will be checked to ensure their suitability to work with such.

10 Induction and Training

- 10.1. All new members of staff in Children's Services and Community Care and any relevant staff in other Council Services³ will receive induction training that will give an overview of the organisation and ensure they know its purpose, values, services and structure, as well as identifying and reporting abuse, and confidentiality issues.
- 10.2. All new staff (including volunteers) will receive basic Child Protection information ("What To Do If You Suspect A Child Is Being Abused") and a copy of this policy within twelve weeks of starting their job.
- 10.3. All staff will be expected to attend training on safeguarding children and/or vulnerable adults and domestic abuse that will enable them to fulfil their responsibilities effectively.

11 Dealing with concerns

- 11.1. Members of staff and volunteers are not required to investigate suspicions; if somebody believes that a child or vulnerable may be suffering, or may be at risk of suffering significant harm, they must always refer such concerns in accordance with the established procedures.

To this end, volunteers and staff will follow the procedures below;

- Upon the receipt of any information from a child or vulnerable adult, or if any person has suspicions that a child or vulnerable adult may be at risk of harm, or
- If anyone observes injuries that appear to be non-accidental, or

³ Relevant staff in this context includes all members of staff who are likely to come into contact with children and vulnerable adults. Whilst not an exclusive list, this includes: people who work in libraries and community sports facilities, community development staff, housing officers, transport services.

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- where a child or young person vulnerable adult makes a direct allegation or discloses that they have been abused,
- makes an allegation against a member of staff.

They must record what they have seen, heard or know accurately at the time the event occurs, and share their concerns with a manager and agree the action to be taken.

- 11.3. We will ensure that all members of staff are familiar with the procedures for keeping a confidential written record of any incidents and with the requirements of national and local child and vulnerable adult protection guidance.

12 Confidentiality

- 12.1. All members of staff will ensure that all data about children and vulnerable adults is handled in accordance with the requirements of the law, and any national and local guidance, balancing the need to protect children and vulnerable adults and detect and prevent crime with our duty to respect the right of the individual to privacy. However, where the welfare of the individual is paramount, or there is a duty in law, we will share information without their consent in order to safeguard their welfare.
- 12.2. Any member of staff who has access to sensitive information about a child or vulnerable adult, or their family must take all reasonable steps to ensure that such information is only disclosed to those people who need to know.
- 12.3. Regardless of the duty of confidentiality, if any member of staff has reason to believe that a child or vulnerable adult may be suffering harm, or is at risk of harm, their duty is to forward this information without delay in accordance with the published relevant procedures.
- 12.4. Information shared during the course of child protection or adult protection work is confidential and will only be shared with other professional/agencies for the purpose of promoting the safety and wellbeing of the persons concerned.
- 12.5. Permission from parents/carers will be sought before any information is shared except in circumstances where a child or vulnerable adult would be placed at increased risk of significant harm.
- 12.6. Information shared at child protection and adult protection conferences will not be shared beyond the membership of the conference without the permission of the case conference chair.

13 Conduct of staff

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- 13.1. Wokingham Borough Council expects highest standards from its members of staff, and we insist that professional behaviour applies to relationships between staff and children, and that all members of staff are clear about what constitutes appropriate behaviour and professional boundaries. See also the Policy and guidance for conduct and Personal Behaviour at <http://www.wokingham.gov.uk/grapevine/employee-information/human-resources/policies--guidance/conduct--behaviour>.
- 13.2 If any member of staff has a reason to suspect that a child or vulnerable adult is suffering or likely to suffer, harm, they must refer this in accordance with the procedures set out in local guidance. This includes the harm of witnessing or being a victim of, domestic abuse.
- 13.3. At all times, members of staff are required to work in a professional way with children. All staff should be aware of the dangers inherent in:
- working alone with a child or vulnerable adult
 - Handling a service user's money or possessions
 - Personal and professional boundaries
 - Providing intimate personal care
 - Physical interventions
 - Cultural and gender stereotyping
 - Dealing with sensitive information
 - Giving to and receiving gifts from children and parents
 - Contacting children or vulnerable adults through private telephones, email, MSN, or social networking websites.
 - Disclosing personal details inappropriately
 - Meeting children or vulnerable adults outside normal duties
- 13.4 Allegations against members of staff - If anyone makes an allegation that any member of staff may have:
- Committed an offence against a child or vulnerable adult
 - Placed a child or vulnerable adult at risk of significant harm
 - Behaved in a way that calls into question their suitability to work with children or vulnerable adults

Where members of staff have concerns about the conduct of a colleague in relation to a child or vulnerable adult, they should discuss their concerns with the relevant safeguarding manager.

- 13.5 Any allegation will be dealt with in accordance with national guidance and agreements, as implemented locally by:
- the Wokingham Safeguarding Children Board (in relation to children),
 - the West of Berkshire Safeguarding Partnership Board and Wokingham Safeguarding Forum (in relation to vulnerable adults).

14 Performance Measurements:

Child Protection

These indicators are reviewed by the Children and Young People's Strategy group and The Local Safeguarding Children Board.

- Referrals for child protection concerns, according to type compared to statistical neighbours and national average
- Initial Assessments completed within one week *
- Section 47 investigations completed on time*
- Core assessments completed on time*
- Children with a child protection plan, according to type*
- Children with a protection plan reviewed within time frame*
- Children with a protection plan for more than two years*

* Audit Commission national Indicator

Adult Protection

These indicators are reported in the annual Self Assessment Survey.

- Number of adult protection referrals received in the year, by client group
- Number of adult protection cases completed in the year, by client group
- Number of adult protection referrals received from:
 - self-funders
 - 'No Secrets' MAPP partners
- Number of relevant WBC staff who have received training to:
 - address working with adults whose circumstances make them vulnerable
 - identify and assess risks to adults whose circumstances make them vulnerable
- Percentage of staff employed by independent sector registered care services who have received adult protection that is either funded or commissioned by WBC

Training

- Take up of training by relevant staff
- Feedback of training by attendees
- Follow up impact assessment on sample group

Allegations

- Allegations made against staff
- Allegations completed within time frame
- Cases referred to List 99/Protection of Children Act/Protection of Vulnerable Adults List (ISA from October 2009)

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15 Formal Requirements:

If any member of staff has concerns that a child or vulnerable adult is suffering, If or likely to suffer harm, they must record and report their concerns as soon as practicable, following the agreed child or adult safeguarding procedures

16 Policy Review

- 16.1 The Heads of Safeguarding for Children's Services and Community Care, with the Council lead officer for Domestic Abuse, will review the policy at yearly intervals, or where required from new legislation; new research evidence, emerging best practice, lessons learned from the day-to-day operation of the policy or from Serious Case or Domestic Violence Homicide Reviews.
- 16.2 Where this policy is need of amending or updating, they will bring this to the attention of the relevant General Managers and make recommendations for change.