

HAMBLETON

DISTRICT COUNCIL

Safeguarding Children and Adults

Policy and Procedure

a place to
grow

Contents

Policy statement	3
Aims and objectives	3
Scope	4
Responsibilities and key roles	4
Monitor and review	5
Equality implications	5
Resource implications	5
Legislative framework	5
Definitions	7
The aims of safeguarding	8
Abuse and neglect	8
Safeguarding practice	13
Safeguarding procedure	20
Appendix 1 - Definitions and glossary	23
Appendix 2 - Useful contacts and links	26
Appendix 3 - Useful flowcharts for adults	27
Appendix 4 - Six principles of safeguarding adults	31
Appendix 5 - Four stage reporting procedure for adults	33

Policy approved date:

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Policy Statement

Hambleton District Council recognises that all children and adults, irrespective of their age, disability, gender reassignment, maternity status, race, religion or belief, gender, sexual orientation or marital status have a right to protection from abuse, and acknowledges its shared responsibility for safeguarding and promoting the welfare of children and adults who access services provided by the Council.

Children and Adult Safeguarding is about preventing and responding to concerns of abuse, harm or neglect of children and adults. Hambleton District Council will not tolerate the abuse of children and adults in any of its forms and is committed to:

- Managing services in a way which minimises the risk of abuse occurring.
- Responding swiftly and appropriately to all suspicions or allegations of abuse.
- Protecting adults and children who are at risk of, experiencing or have experienced abuse.
- Providing adult, parents and carers with the opportunity to voice their concerns and needs.
- Treating people fairly and with dignity and respect.
- Having a system for dealing with concerns about possible abuse in line with the North Yorkshire Multi-Agency Safeguarding Policy and Procedures.
- Maintaining good links with statutory child and adult services.

Aims and objectives

The aim of this policy and procedure is to:

- Clearly define the council's stance in relation to safeguarding children and adults to ensure that best practice is followed at all times with regards to all safeguarding concerns.

The objectives are to:

- ensure that safeguarding concerns are dealt with in line with legislation and local safeguarding arrangements.
- ensure all staff receive training in relation to safeguarding children and adults at a level commensurate with their role.

This document should also be read in conjunction with the HDC's Recruitment and Selection, Disclosing and Barring Service Checking, Disciplinary, Grievance, Whistle Blowing, Bullying and Harassment, Data-Protection, Licensing Policies and Procedures and Complaints Procedure.



Scope

This policy and procedure applies to all staff directly employed by Hambleton District Council, Elected Members, volunteers and contracted services.

Responsibilities and key roles

Chief Executive/Deputy Chief Executive/Directors/Heads of Service are responsible for:

- ensuring that this policy and procedure is effectively implemented across the organisation
- ensuring that any resources needed to support this policy and procedure are available
- ensuring staff are appropriately supported in applying the provision of this policy and procedure and have undertaken the required training
- responding in a timely and appropriate manner to any breaches of this policy and procedure
- nominating a Safeguarding Concerns Manager to be responsible for safeguarding and promoting the welfare of children and adults.

The Safeguarding Co-ordinator (Director of Leisure and Communities) is responsible for:

- managing the overall safeguarding function for the council.

The Safeguarding Concerns Manager/Deputies are responsible for:

- managerial support and direction to staff, volunteers and Elected Members throughout the organisation
- decision making for concerns raised by members of staff
- updating this policy in line with the agreed date or any changes of legislation
- arranging safeguarding training.

Human Resources are responsible for:

- providing advice, guidance and support in handling allegations of abuse made against staff, members or volunteers.

Representative bodies are responsible for:

- supporting the application of this policy and procedure
- encouraging their members to comply with the requirements of this policy and procedure.

All employees are responsible for:

- being aware of the contents and requirements of the policy and procedure
- complying with all requirements of this policy and procedure.



Monitor and review

The Communities Service will be responsible for monitoring the implementation of this policy and procedure and its effectiveness in order to ensure that the obligations outlined in this document are being met.

The policy and procedure will be reviewed in line with the date on the front of the document by the Communities Service. Where review is necessary due to legislative change, this will happen immediately.

Equality implications

In line with the requirements of the Public Sector Equality Duty, Hambleton District Council has considered the three aims of the Equality Duty as part of the process of decision making particularly in relation to evaluating and reviewing the policy and procedure. The three aims are to eliminate unlawful discrimination, advance equality of opportunity and foster good relations.

The council do not anticipate any adverse equality impacts as a result of applying this policy and procedure.

Resource implications

There are not anticipated to be any financial implications associated with this policy and procedure.

There are resource implications associated with this policy which may include awareness raising and training, managing issues that staff raise or dealing with breaches of this policy and procedure.

Legislative framework

Due consideration will be given to all aspects of safeguarding law to ensure that the council is compliant with legislation throughout any aspect of the application of this policy and procedure.

Detailed on the next page are the key legal considerations that must be taken into account in relation to any safeguarding concerns.



Care Act 2014

The Care Act 2014 places a duty on top tier local authorities (ie North Yorkshire County Council) to promote wellbeing when carrying out any of their care and support functions in respect of a person. This may sometimes be referred to as 'the wellbeing principle' because it is a guiding principle that puts wellbeing at the heart of care and support.

The Care Act puts adult safeguarding on a legal footing and requires each top-tier local authority to set up a Safeguarding Adults Board (SAB) with core membership from the local authority, the Police and the NHS. One of the key functions of the SAB is to ensure that the policies and procedures governing adult safeguarding are fit for purpose and can be translated into effective adult safeguarding practice.

West Yorkshire, North Yorkshire and City of York Safeguard Adults Boards have adopted a multi-agency policy and procedure so that there is consistency by all public services across the combined area in the way in which adults are safeguarded from neglect or abuse.

Children and Social Work Act 2017 and Working Together to Safeguard Children - A guide to inter-agency working to safeguard and promote the welfare of children, published July 2018

The Children and Social Work Act (2017) and Working Together to Safeguard Children (2018), removed the statutory requirement for North Yorkshire to have a Local Safeguarding Children Board. As a result, the three statutory safeguarding partners in North Yorkshire (North Yorkshire County Council, North Yorkshire Police and the NHS), in consultation with the relevant agencies, agreed to new multi-agency safeguarding arrangements.

The North Yorkshire Safeguarding Children Partnership (NYSCP) undertakes the work formerly of the North Yorkshire Children's Trust and North Yorkshire Safeguarding Children Board with the aim to ensure all children in North Yorkshire are safe, happy, healthy and achieving.

Mental Capacity Act 2005 and Deprivation of Liberty

The Mental Capacity Act 2005 provides a statutory framework to empower and protect people who lack capacity to make decisions for themselves; and establishes a framework for making decisions on their behalf. The Mental Capacity Act outlines five statutory principles that underpin the work with adults who lack mental capacity:

- A person must be assumed to have capacity unless it is established that he/she lacks capacity.
- A person is not to be treated as unable to make a decision unless all practicable steps to help him/her to do so have been taken without success.
- A person is not to be treated as unable to make a decision merely because he/she makes an unwise decision.
- An act done or decision made, under this Act for or on behalf of a person who lacks capacity must be done, or made, in his/her best interests.
- Before the act is done, or the decision is made, regard must be had to whether the purpose for which it is needed can be as effectively achieved in a way that is less restrictive of the person's rights and freedom of action.

Mental capacity is time and decision-specific. This means that an adult may be able to make some decisions at one point but not at other points in time. Their ability to make a decision may also fluctuate over time. The adult may have the capacity to make some decisions, but not others.



Schedule A1 to the Mental Capacity Act, known as the Deprivation of Liberty Safeguards (DoLS) provides a legal framework to protect individuals who, for their own safety and in their best interests need to be accommodated under care and treatment that may have the effect of depriving them of their liberty, but lack the capacity to consent.

If a person who lacks capacity requires a DoLS authorisation this will be authorised by North Yorkshire County Council. The DoLS applies only to individuals receiving care or treatment in hospital or in a care home. If a person is living in their own home, a supported living placement or Shared Lives Scheme or equivalent, their deprivation of liberty can only be authorised by the Court of Protection.

Data Protection and Information Sharing

Section 7 of the Care Act 2014 provides an ability to request co-operation from a relevant partner or another local authority, in relation to an individual case. The local authority or relevant partner must co-operate as requested, unless doing so would be incompatible with their own duties or have an adverse effect on the exercise of their functions.

Sharing the right information, at the right time with the right people, is fundamental to good safeguarding practice, but it has been highlighted as a difficult area of practice. The Care Act 2014 Section 45 'supply of information' duty covers the responsibilities of others to comply with requests for information as detailed above. Sharing information between organisations as part of day-to-day safeguarding practice is already covered in the common law duty of confidentiality, Data Protection, the Human Rights Act 1998 and the Crime and Disorder Act 1998. Organisations that refuse to comply with requests for co-operation or information should provide written reasons for the refusal.

The Data Protection Act (2018) should not be a barrier to sharing information. It provides a framework to ensure that personal information about living persons is shared appropriately.

Definitions

For the purposes of this policy and procedure a child or adult is defined as:

Child

Anyone who has not yet reached their 18th birthday. The fact that a child has reached 16 years of age, is living independently or is in further education, is a member of the armed forces, is in hospital or in custody in the secure estate, does not change his/her status or entitlements to services or protection.

Adult at Risk

A person aged 18 or over who has needs for care and support (whether or not the local authority is meeting any of those care and support needs), and as a result of those care and support needs is unable to protect themselves from either the risk of, or the experience of, abuse or neglect.



The aims of safeguarding

- To stop abuse or neglect wherever possible.
- To prevent harm and reduce the risk of abuse or harm to children or adults with care and support needs.
- To safeguard adults in a way that supports them in making choices and having control about how they want to live.
- To promote an approach that concentrates on improving life for those concerned.
- To raise public awareness so that communities as a whole, alongside professionals, play their part in preventing, identifying and responding to abuse and neglect.
- To provide information and support in accessible ways to help children and adults understand the different types of abuse.
- To address what has caused the abuse.

Abuse and neglect

Who might abuse?

This policy is relevant to all incidents of abuse, regardless of who has committed them. Anyone might be responsible for abuse, including:

- a member of staff
- a member of a recognised professional group
- another adult at risk
- a volunteer
- a member of a community group
- a spouse, relative, member of the person's social network or an unpaid carer
- a child, including the person's own son or daughter
- a neighbour, member of the public or stranger
- a person who deliberately targets child or adults at risk in order to exploit them.



Types of abuse and supporting guidance

Types of abuse can present in the following ways and some of these issues may overlap with areas of responsibility for other partnerships for example the North Yorkshire Community Safety Partnership:

Discriminatory Abuse

Discrimination on the grounds of race, faith or religion, age, disability, gender, sexual orientation and political views, along with racist, sexist, homophobic or ageist comments or jokes, or comments and jokes based on a person's disability or any other form of harassment, slur or similar treatment. Excluding a person from activities on the basis they are 'not liked' is also discriminatory abuse.

Domestic Abuse

Domestic abuse includes psychological; physical; sexual; financial; emotional abuse; as well as so called 'honour' based violence, forced marriage and female genital mutilation. The Home Office (March 2013) defines domestic abuse as: "Any incident or pattern of incidents of controlling, coercive or threatening behaviour, violence or abuse by someone who is or has been intimate partners or family members regardless of gender or sexuality".

Financial or Material Abuse

Theft, fraud, internet scamming, postal and doorstep scams, coercion in relation to an adult's financial affairs or arrangements, including in connection with wills, property, inheritance or financial transactions, or the misuse or misappropriation of property, possessions or benefits are all forms of financial abuse. The adult at risk can be persuaded to part with large sums of money and in some cases their life savings. Financial abuse can have serious effects including loss of income and independence and harm to health, including mental health.

Modern Slavery

Forced to work - through mental or physical threat;

- Owned or controlled by an 'employer', usually through mental or physical abuse or the threat of abuse
- Dehumanised, treated as a commodity or bought and sold as 'property'
- Physically constrained or has restrictions placed on his/her freedom of movement
- Humans who are trafficked, recruited and transported, for example, using threats to coerce or force a person into sexual exploitation, forced labour or domestic servitude.

Adults who are enslaved are not always subject to human trafficking. From 1 November 2015, local authorities have a duty to notify the Police and the Secretary of State of any individual identified as a suspected victim of slavery or human trafficking, under Section 52 of the Modern Slavery Act 2015.



Neglect and Acts of Omission

Ignoring medical, emotional or physical care needs, failure to provide access to appropriate health, social care or educational services, and the withholding of the necessities of life such as medication, adequate nutrition and heating. Neglect also includes a failure to intervene in situations that are dangerous to the person concerned or to others, particularly when the person lacks the mental capacity to assess risk for themselves.

Organisational Abuse

Mistreatment, abuse or neglect of a child or adult by a regime or individuals in a setting or service where the children or adults live or that they use. Such abuse violates the person's dignity and represents a lack of respect for their human rights.

Physical Abuse

Assault, hitting, slapping, pushing, misuse of medication, restraint or inappropriate physical sanctions. Unlawful or inappropriate use of restraint or physical interventions. In extreme circumstances unlawful or inappropriate use of restraint may constitute a criminal offence. Someone is using restraint if they use force, or threaten to use force, to make someone do something they are resisting, or where freedom of movement is restricted, whether they are resisting or not.

Psychological Abuse

Emotional abuse, threats of harm or abandonment, deprivation of contact, humiliation, blaming, controlling, intimidation, coercion, harassment, verbal abuse, cyber bullying, isolation or unreasonable and unjustified withdrawal of services or supportive networks.

Self-Neglect

There is no single operational definition of self-neglect. The Department of Health (2016), defines it as, '...a wide range of behaviour neglecting to care for one's personal hygiene, health or surroundings and includes behaviour such as hoarding'. Skills for Care has identified three distinct areas that are characteristic of self-neglect:

- Lack of self-care - this includes neglect of one's personal hygiene, nutrition and hydration, or health, to an extent that may endanger safety or wellbeing
- Lack of care of one's environment - this includes situations that may lead to domestic squalor or elevated levels of risk in the domestic environment
- Refusal of assistance that might alleviate these issues

Self-neglect is a behavioural condition and occurs as a result of mental health issues, personality disorders, substance abuse, dementia, advancing age, social isolation and cognitive impairment or through personal choice. It can be triggered by trauma and significant life events.



Sexual Abuse

Sexual abuse include rape, indecent exposure, sexual harassment, inappropriate looking or touching, sexual teasing or innuendo, sexual photography, subjection to pornography or witnessing sexual acts, indecent exposure and sexual assault or sexual acts that a child or adult has been forced or enticed to take part in. Any sexual relationship or inappropriate sexualised behaviour between a member of staff and service user should lead to disciplinary proceedings. Sexual abuse can take place online and technology can be used to facilitate offline abuse.

Sexual exploitation occurs when an individual or group takes advantage of an imbalance of power to coerce, manipulate or deceive a child or adult at risk into sexual activity (a) in exchange for something the victim needs or wants, and/or (b) for the financial advantage or increased status of the perpetrator or facilitator.

Hate crime

Hate crime is taken to mean any crime where the perpetrator's prejudice against any identifiable group of people is a factor in determining who is victimised. Hate crime is a form of discriminatory abuse. Hate crimes happen because of hostility, prejudice or hatred of people due to:

- disability
- gender identity
- race, ethnicity or nationality
- religion or belief
- sexual orientation.

Mate crime

Mate Crime is a term used where people within communities, particularly people with learning disabilities, mental health issues or substance abuse issues, and older people are befriended with the intention of then being exploited financially, physically or sexually as well as other types of abuse. If the person has needs for care and support, and is unable to protect themselves as a result, a safeguarding concern should be raised. Incidents of both Hate Crime and Mate Crime should be reported to the Police.

Hoarding

Hoarding does not automatically fall under adult safeguarding but it could be considered as safeguarding in the wider sense under the umbrella of prevention. Most people associate hoarding with the acquisition of items with an associated inability to discard things that have little or no value (in the opinions of others) to the point where it interferes with use of living space or activities of daily living.

Most fire authorities have prevention strategies that consistently identify the level of hoarding and use the International OCD Foundations Clutter Image Ratings. This can be invaluable in assessing risk, so including local Fire Services in any multi-agency response is vital in hoarding situations.



Prevent agenda

The Government's counter-terrorism strategy is defined in the Counter Terrorism and Security Act (2015) known as CONTEST. Prevent focuses on working with vulnerable individuals who may be at risk of being exploited by radicalisers and subsequently drawn into terrorist-related activity. Violent extremists may target vulnerable people and use charisma and persuasive rationale to attract people to their cause.

The Prevent strategy:

- responds to ideological challenge faced from terrorism and aspects of extremism, and the threat faced from those who promote these views
- provides practical help to prevent people from being drawn into terrorism and ensure they are given appropriate advice and support
- works with a wide range of sectors (including education, criminal justice, faith, charities, online and health) where there are risks of radicalisation that need to be addressed.

Channel is a key element of the Prevent strategy and is about safeguarding children and adults from being drawn into committing terrorist-related activity. It is a multi-agency approach to protect people at risk from radicalisation through early intervention. Channel uses existing collaboration between local authorities, statutory partners (such as the education and health sectors, social services, children's and youth services, offender management services and the Police) and the local community to identify individuals at risk of being drawn into terrorism; to assess the nature and extent of that risk; and to develop the most appropriate support plan for the individuals concerned.

Incidents of exploitation by radicalisers who promote extreme ideas that could lead to violence should be reported to the Police. If the person has needs for care and support, and is unable to protect themselves as a result, a safeguarding concern should also be raised.

Multi-Agency Public Protection Arrangements (MAPPA)

The purpose of MAPPA is to help reduce the re-offending behaviour of sexual and violent offenders in order to protect the public, including previous victims, from serious harm. It aims to do this by ensuring that all relevant agencies work together effectively to:

- identify all relevant offenders
- complete comprehensive risk assessments that take advantage of coordinated information sharing across the agencies
- devise, implement and review robust risk management plans
- focus the available resources to best protect the public from serious harm.



Multi-Agency Risk Assessment Conference (MARAC)

The purpose of MARAC is to support high risk domestic abuse cases. It aims to do this by ensuring all relevant agencies work together to:

- safeguard adult victims who are at high risk of future domestic violence and abuse
- make links with other public protection arrangements in relation to children, the perpetrator and people at risk
- work towards addressing and managing the behaviour of the perpetrator.

Safeguarding practice

This section sets out the essential work that must be considered throughout safeguarding. In every case there must be evidence of due diligence and attention to mental capacity and consent.

Mental capacity

The Mental Capacity Act 2005 provides a statutory framework to empower and protect people who lack capacity to make decisions for themselves; and establishes a framework for making decisions on their behalf. This applies whether the decisions are life-changing events or everyday matters. All decisions taken in the adult safeguarding process must comply with the Act.

The Mental Capacity Act outlines five statutory principles that underpin the work with adults who lack mental capacity:

- a person must be assumed to have capacity unless it is established that he/she lacks capacity;
- a person is not to be treated as unable to make a decision unless all practicable steps to help him/her to do so have been taken without success;
- a person is not to be treated as unable to make a decision merely because he/she makes an unwise decision;
- an act done or decision made, under this Act for or on behalf of a person who lacks capacity must be done, or made, in his/her best interests;
- before the act is done, or the decision is made, regard must be had to whether the purpose for which it is needed can be as effectively achieved in a way that is less restrictive of the person's rights and freedom of action.

The requirement to apply the MCA in adult safeguarding enquiries challenges many professionals and requires utmost care, particularly where it appears an adult has capacity for making specific free and informed decisions that place them at risk of being abused or neglected, even if this decision is considered to be unwise.



Consent

Information to be shared with another agency will usually require explicit consent except where there are concerns for the welfare or safety of an individual. It is good practice to be open and honest at the outset about concerns, and the need for a referral. All reasonable efforts should be made to inform the adult at risk/parents/carers prior to discussing concerns with the safeguarding services; however, this should not be delayed if concerns cannot be discussed with parents/carers.

Making Safeguarding Personal is a person centred approach for adults which means that they are encouraged to make their own decisions and are provided with support and information to empower them to do so. This approach recognises that adults have a general right to independence, choice and self-determination including control over information about themselves. Staff should strive to deliver effective safeguarding consistently with both of the above principles. They should ensure that the adult has accessible information, in a communication format which is preferable to them, so that the adult can be supported to understand the information given to them and make informed choices about safeguarding.

Adults may not give their consent to the sharing of safeguarding information for a number of reasons. For example, they may be unduly influenced, coerced or intimidated by another person, they may be frightened of reprisals, they may fear losing control, they may not trust social services or other partners or they may fear that their relationship with the abuser will be damaged. Reassurance and appropriate support may help to change their view on whether it is best to share information.

Staff should consider the following and:

- explore the reasons for the adult's objections - what are they worried about?
- explain the concern and why you think it is important to share the information
- tell the adult with whom you may be sharing the information with and why
- explain the benefits, to them or others, of sharing information - could they access better help and support?
- discuss the consequences of not sharing the information - could someone come to harm?
- reassure them that the information will not be shared with anyone who does not need to know
- reassure them that they are not alone and that support is available to them.

However, there are a number of circumstances where staff can reasonably override consent, including:

- emergency or life-threatening situations that warrant the sharing of relevant information with the emergency services
- an adult who lacks the mental capacity to make that decision - this must be properly explored and recorded in line with the Mental Capacity Act
- if you believe informing the parents or carers would place a child at significant risk of harm
- where a child expresses a wish for their parents not be informed their views should be taken seriously and a judgement made based on the child's age and understanding



- a child with developmental and welfare needs which are likely only to be met through provision of family support services (with agreement of the parent)
- other people are, or may be, at risk, including children or adults at risk
- sharing the information could prevent a serious crime
- a serious crime has been committed
- the risk is unreasonably high and duty of care has to be considered
- staff are implicated
- there is a court order or other legal authority for taking action without consent

In such circumstances, it is important to keep a careful record of the decision-making process. Staff should seek advice from managers before overriding consent, except in emergency situations.

Making Safeguarding Personal (Adults)

Making Safeguarding Personal (MSP) stresses the importance of keeping the adult at the centre. Under MSP the adult is best placed to identify risks, provide details of its impact and whether or not they find the mitigation acceptable. Working with the adult to lead and manage the level of risk that they identify as acceptable creates a culture where:

- adults feel more in control;
- adults are empowered and have ownership of the risk;
- there is improved effectiveness and resilience in dealing with a situation;
- there are better relationships with professionals;
- good information sharing to manage risk, involving all the key stakeholders;
- key elements of the person's quality of life and wellbeing can be safeguarded.

It is the collective responsibility of all organisations to share relevant information, make decisions and plan intervention with the adult. A plan to manage the identified risk and put in place safeguarding measures includes:

- what immediate action must be taken to safeguard the adult and others
- who else needs to contribute and support decisions and actions
- what the adult sees as proportionate and acceptable
- what options there are to address risks
- when action needs to be taken and by whom
- what the strengths, resilience and resources of the adult are
- what needs to be put in place to meet the on-going support needs of the adult
- what the contingency arrangements are
- how will the plan be monitored?



Safer Recruitment

Hambleton District Council is committed to safer recruitment to ensure that we attract the right people to work with children and/or adults at risk to ensure their safety and welfare are met at all times. Many of the processes followed are under our 'assured recruitment' and underpin and reflect safer recruitment. Hambleton District Council will:

- ensure the job advert makes reference to Safer Recruitment
- ensure the job description for all posts make reference to the responsibility for safeguarding and promoting the welfare of children and adults at risk
- ensure the person specification for all posts include specific reference to suitability to work with children and adults at risk (where this is relevant)
- obtain and scrutinise comprehensive information from applicants and take up and satisfactorily resolve any gaps, discrepancies or anomalies
- obtain independent professional references that answer specific questions to help assess an applicant's suitability to work with children and/or adults at risk and follow up any concerns
- hold face to face interviews that explore the candidate's suitability to work with children and/or adults at risk as well as his or her suitability for the post
- verify the successful candidate's identity
- verify that they have a Right to Work in the UK
- verify the successful applicant's qualifications
- check his or her previous employment history and experience
- carry out an Enhanced DBS check for roles in 'regulated activity'
- ensure safer recruitment practices still apply where adults do not have a specific role working with children and/or adults at risk, but are likely to be in contact with children and/or adults at risk during the course of their work.

Induction, Training and Supervision

Hambleton District Council is committed to providing awareness and training opportunities for staff, Members and volunteers to equip them to carry out their responsibilities effectively. This will include general awareness, service-specific and specialist training as appropriate.

All employees, Members and volunteers will be made aware of the council's safeguarding arrangements through the Corporate Induction processes. All employees will receive training on safeguarding children and adults at a level commensurate with their roles.



Allegations against Staff, Volunteers or Elected Members

All allegations of abuse made against members of staff or Elected Members will be managed in line with the council's internal policies and procedures and inter-agency procedures agreed through the North Yorkshire Safeguarding Boards.

The Director of Leisure and Communities (Service Manager - Communities in their absence) will act as the Safeguarding Co-ordinator who has overall responsibility for:

- a.** ensuring that the council handles allegations in line with agreed council and inter-agency procedures
- b.** liaising with the North Yorkshire County Council's Local Authority's Designated Officer (LADO) and the North Yorkshire Safeguarding Boards where required.

The Safeguarding Co-ordinator will liaise with the Safeguarding Concerns Manager to discuss the best course of action and to ensure that the council's policies and procedures are followed. The Human Resources Manager will provide support to the Safeguarding Co-ordinator.

The safety of the adult at risk or child is paramount and it should be ensured that they are safe and away from the person who is alleged to have caused harm. Where a member of staff, volunteer or Elected Member is thought to have committed a criminal offence the Police will be informed immediately.

Where the allegation involves alleged abuse of an adult at risk, a concern will be raised following the process outlined in the **Joint Multi-Agency Safeguarding Adults Policy and Procedures (section 2.5.4)**.

Where the allegation involves alleged abuse of a child, a concern will be raised following the process outlined in the North Yorkshire Safeguarding Children Partnership - **Managing Allegations Against Those Who Work or Volunteer with Children Procedure**.

If an individual (paid worker or unpaid volunteer) is subsequently barred from working with adults at risk or children (or would have if the person had not left first) because they pose a risk to adults at risk or children, the council will make a referral to the Disclosure and Barring Service in line with the council's Disclosing and Barring Policy and Procedure.

Photography, Film and Media

The council will ensure that all necessary steps are taken to protect children and adults at risk from the inappropriate use of photographic images.

Photographs can be used as a means of identifying children and adults at risk especially when they are accompanied with personal information. This information can make children and adults at risk vulnerable, e.g., to an individual who may wish to groom people for abuse. The content of an image can be adapted for inappropriate use and there is evidence of adapted material finding its way on to child pornography sites. Also photos of children who are adopted could indicate to the birth parent where the child has been placed.



The council will ensure that:

- council officers who are running events or activities where photographs or film footage is being used when children and/or adults at risk are present will be responsible for gaining their consent and that of their parent or carer
- staff, Members and volunteers will be vigilant at all times regarding the use of cameras, camera phones or videos at events which involve children and adults at risk
- where possible in publicising an event the council will not use a child's or adult at risk's image in conjunction with the name or personal details of the child or adult at risk
- the council will never publish personal details of a child or adult at risk and will only publish images of a child or adult at risk where consent has been given
- council officers will ensure that consent/registration forms and images are stored safely
- council officers will act on all concerns of any child, adult at risk or carer regarding inappropriate use of photographic equipment/images in line with this Policy and Procedure.

Licensing

The council, as the Licensing Authority, has a duty of care to children and adults at risk who use licensed vehicles within the district of Hambleton. The council recognises that all children and adults at risk have a right to be safe and protected from abuse and harm. The council will take all reasonable steps to ensure that the drivers and operators of taxis and private hire vehicles pose no threat to children or adults at risk.

The council has the power to refuse, revoke or suspend licenses after convictions for various offences or any other reasonable cause. A suspension or revocation can be given with immediate effect where it appears in the interests of public safety.

The council's Hackney Carriage and Private Hire Licensing Policy determines its procedure for dealing with applications and makes provision to ensure that the safety of children and adults at risk is safeguarded.

For example:

- all applicants for hackney carriage and private hire driver licenses are required to undertake a DBS check on first application and every 3 years thereafter
- persons with convictions for sexual offences involving children or of a child related nature or other very serious crime will not normally be issued with a licence
- all license holders must comply with the relevant license conditions, byelaws and policy requirements. Any breaches will be taken seriously and could result in the license being suspended or revoked.

Any allegations made against licence holders suspected of inflicting harm on a child or adult at risk will be reported to the Safeguarding Concerns Manager or Deputies in the organisation who will ensure that all the appropriate actions are taken in line with the council's Safeguarding Policy both in regard to the subject of the alleged abuse and the perpetrator. The licensing authority may also consider any necessary action to be taken against the license, which could include suspension or revocation.



Hambleton District Council recognises that the Hackney Carriage and Private Hire Industry can play an important role in recognising and reporting any abuse, exploitation or neglect of children and adults at risk. However, this is only the case if licensed drivers are aware of (and alert to) the signs of potential abuse and know how to report abuse if they suspect that a child or adult at risk is at risk of harm or is in immediate danger.

Subject to Council approval, licensed drivers and applicants are required to undertake safeguarding training in order to help:

- provide a safe and suitable service to vulnerable passengers of all ages
- recognise what makes a person vulnerable
- understand how to report safeguarding concerns and where to get advice.

No licence will be granted unless the applicant has undertaken appropriate training in accordance with the Council's Hackney Carriage and Private Hire Licensing Policy.

Contracted Services

Any contractor or sub-contractor, engaged by the council in areas where workers are likely to come into contact with children or adults at risk should have their own Safeguarding Policy or, failing this, must comply with the terms of this policy. This includes responsibility for ensuring, where appropriate, that workers with the potential to come into contact with children or adults at risk are subject to the necessary DBS checks. This applies to all contracts even those not requiring a formal tender.

Where facilities are let to external groups for use with children or adults at risk when parents/carers are not present, the hirer will need to:

- have membership of a National Governing Body (NGB) or similarly recognised body
- have public liability insurance (£10 million minimum)
- have a suitable safeguarding children and adults at risk policy or agree to work to Hambleton District Council's Safeguarding Policy
- have a register detailing medical information and special needs
- ensure lead staff have valid Disclosure and Barring checks
- do risk assessments for individual activities.

The Public and the Community

The public has a vital role in safeguarding children and adults through the recognition and prevention of abuse. Hambleton District Council will ensure that there is a good level of public awareness of abuse and how concerns should be reported.



Safeguarding procedure

Hambleton District Council recognises that it has a legal responsibility to respond to any safeguarding issues of concern. All staff, volunteers and Elected Members who have contact with children and/or adults at risk and hear a disclosure or allegation or have concerns about potential abuse or neglect has a duty to report a concern.

It is not up to individuals to decide if abuse has taken place, that is the role of North Yorkshire County Council's Social Care Services, but it is up to individuals to report any concerns to their line manager and the Safeguarding Concerns Manager or a Deputy.

Safeguarding is everyone's business

Regardless of the role, (staff, volunteer or Elected Member) everyone has a responsibility to act if it is believed that abuse has or may be taking place, doing nothing is not an option.

Responsibilities

Everyone has a responsibility to:

- take action to keep the person safe
 - If urgent police presence is required call 999
 - If urgent medical assistance is required call 999 for an ambulance
- be aware of the need to preserve evidence if a crime is thought to have occurred
- always inform your line manager and/or the Safeguarding Concerns Manager or a Deputy about your concern as soon as possible and at the latest before your shift ends.
- clearly record what you have witnessed or been told and any actions that have been taken.

If a person discloses abuse directly use the following principles to respond to them:

- treat all children and adults at risk with respect and dignity
- stay calm and assure them that you are taking the concern seriously
- do not be judgemental or jump to conclusions
- listen carefully to what you are being told to get a clear account
- use open ended questions not closed questions, and use their language
- do not start to investigate the concern
- explain that you cannot promise not to speak to other people about the information they have shared
- reassure the person that they will be involved in decisions about them.



Reporting the concern

If you are concerned about a child or adult at risk you must share your concerns immediately with your line manager, or if they are not available, with the Safeguarding Concerns Manager or a Deputy. It is imperative that under no circumstances should you agree to keep a disclosure confidential but that the information is only shared with those mentioned above.

Your line manager will assess the situation and, if the line manager considers that there has been or is reasonably likely to be an incident of abuse or neglect, they will report the matter to the Safeguarding Concerns Manager or a Deputy.

If a Line Manager, Safeguarding Concerns Manager or a Deputy is not available or by consulting them will lead to an undue delay and thereby leave a person at risk of harm a safeguarding referral should be made directly to North Yorkshire County Council Customer Services.

To raise a safeguarding concern

Contact Social Care, Customer Services **01609 780780**. Opening hours are 8am - 5.30pm Monday to Friday. This number will be answered by the Emergency duty team outside these hours.

Email Raising a Safeguarding Concern forms to: **social.care@northyorks.gov.uk**

For general questions and enquiries

Safeguarding adults, email: **nysab@northyorks.gov.uk**

Safeguarding children, email: **children&families@northyorks.gov.uk**

Note these email addresses are NOT for raising a safeguarding concern.

Recording Actions

A record of all actions and decisions must be made. Good record keeping is a vital component of professional practice.

Records may be disclosed in courts in criminal or civil actions. Managers must ensure that recording is addressed in supervision and that staff are clear on their responsibilities.

Learning lessons from past mistakes and missed opportunities highlighted in Safeguarding Reviews, Serious Case Reviews and other reports emphasise the need for quality recording especially when managing abuse, neglect and risk. This includes providing rationales for actions and decisions, whether or not they were taken, and if not the reasons for this. Quality recording of safeguarding not only safeguards children and adults, but also protects workers by evidencing decision making based on the information available at the time.



As much information as possible must be recorded using the Safeguarding Incident Report form (available on The Junction) or on a separate piece of paper, or a combination of both - as follows:

- Describe the circumstances in which you were told about or witnessed an incident, noting the setting, date, times and anyone else who was there at the time of disclosure or incident. Try to record what the person said, using their actual words and phrases and who the concern has been reported to.
- Record whether consent to inform others has or has not been given.
- Sign, date and time your report.
- Give everything to your manager or Safeguarding Concerns Manager as it will form part of the information collected (and could be used for legal actions at a later stage).
- Retain copies on case files if this is a requirement of your service making sure this is in line with the Information Commissioner's Office data protection principles.

All records - written or typed - must signed and dated and hand delivered, in a **strictly confidential envelope** to the Safeguarding Concerns Manager. All records are kept centrally in a file in the Chief Executive's office.

The following tips will help you with your recording responsibilities:

- Write your report straightaway when the details are fresh in your mind, using any initial notes you have made.
- Separate out factual information from an expression of opinion.
- NEVER record full details on a document that remains with the victim, or that the alleged abuser may have access to.
- Make sure your writing is legible, using black ink.
- Do not use correction fluid/tape. If you make a mistake, cross it out, initial and date it, then rewrite, and don't leave gaps to avoid documents being tampered with.

Appendix 1

Definitions and glossary

In using this document, a number of phrases, wording or acronyms have been used. The following provides more information and where necessary a definition.

Abuse is a violation of an individual's human and civil rights by any other person or persons. Abuse may be any or all of the following:

- Physical
- Neglect or acts of omission
- Organisational
- Modern Slavery
- Sexual
- Discriminatory
- Financial
- Psychological
- Self-neglect

Adult at Risk is a person aged 18 or over who has needs for care and support (whether or not the local authority is meeting any of those care and support needs), as a result of those care and support needs is unable to protect themselves from either the risk of, or the experience of abuse or neglect.

Adult Safeguarding means protecting a person's right to live in safety free from abuse and neglect.

Best Interest - the Mental Capacity Act 2005 (MCA) states that if a person lacks mental capacity to make a particular decision then whoever is making that decision or taking any action on that person's behalf must do so in the person's best interest. This is one of the principles of the MCA.

Carer throughout these policy and procedures refers to unpaid/family/friend carers as distinct from paid carers who are referred throughout as Support Workers. The Association of Directors of Adult Social Services (ADASS) define a carer as someone who 'spends a significant proportion of their time providing unpaid support to a family member, partner or friend who is ill, frail, disabled or has mental health or substance misuse problems'.

Child is anyone under the age of 18.

Concern is the term used to describe when there is or might be an incident of abuse or neglect.



Contracting is the means by which a process is made legally binding. Contract management is the process that then ensures that services continue to be delivered to the agreed quality standards.

Disclosure and Barring Service (DBS) helps employers make safer recruitment decisions and prevent unsuitable people from working with vulnerable groups. It replaces the Criminal Records Bureau (CRB) and Independent Safeguarding Authority (ISA).

Enquiry establishes whether any action needs to be taken to stop or prevent abuse or neglect and if so, what action and by whom.

Enquiry Officer is responsible for undertaking actions under adult safeguarding:

- The lead enquiry officer is a member of the local authority who will retain responsibility for undertaking actions under Section 42 enquiries;
- A delegated enquiry officer is a member of another agency undertaking the enquiry on the local authority's behalf (for example an entrusted enquiry);
- In some instances there is a lead enquiry officer supported by other staff also acting as enquiry officers, where there are complex issues or additional skills and expertise is required.

Equality Act (2010) legally protects people from discrimination in the workplace and in wider society. It replaced previous anti-discrimination laws with a single Act, making the law easier to understand and strengthening protection in some situations. It sets out the different ways in which it is unlawful to treat someone.

Making Safeguarding Personal (MSP) is about person centred and outcome focused practice. It is how professionals are assured by adults at risk that they have made a difference to people by taking action on what matters to people, and is personal and meaningful to them.

Organisational Abuse is the mistreatment or abuse or neglect of an adult at risk by a regime or individuals within settings and services that adults at risk live in or use, that violate the person's dignity, resulting in lack of respect for their human rights.' (Care and Support Statutory Guidance, 2016)

Procurement is the specific function to buy or acquire services which commissioners have duties to arrange to meet people's needs, to agreed quality standards, providing value for money to the public purse.

Public Interest is a decision about what is in the public interest. This needs to be made by balancing the rights of the individual to privacy with the rights of others to protection.



Safeguarding Adults means protecting a person's right to live in safety, free from abuse and neglect.

Safeguarding Adults Procedures are multi-agency procedures designed to prevent harm and to oversee and undertake enquiries of adult abuse or neglect.

Safeguarding Concerns Manager is the officer within the local authority who provides managerial support and direction to staff, volunteers and Elected Members throughout the organisation.

Safeguarding Co-ordinator is the officer within the local authority who manages, makes decisions, provides guidance and has oversight of safeguarding concerns that are raised to the local authority.

Appendix 2

Useful contacts and links

Hambleton District Council

Advice on safeguarding concerns, allegation and suspicions

Safeguarding Concerns Manager: Lisa Wilson - 01609 767149

Deputy Safeguarding Concerns Manager: Alison Morton - 01609 767177

Deputy Safeguarding Concerns Manager: Gina Allen - 01609 767196

Allegations of abuse against staff or volunteers

Safeguarding Co-ordinator - Steven Lister - 01609 767033

Human Resources Manager - Lynne Halls - 01609 767184

North Yorkshire County Council

Customer Services - 01609 780780. Opening hours are 8am - 5:30pm Monday - Friday and will be answered by the Emergency Duty team outside these hours.

Raising Safeguarding Concern forms to be sent to social.care@northyorks.gov.uk or social.care@northyorks.gcsx.gov.uk

For additional information visit North Yorkshire County Council website:

Safeguarding Adults: northyorks.gov.uk/safeguarding

Safeguarding Children: safeguardingchildren.co.uk

North Yorkshire Police

Emergency 999

Non-emergency 101

Other

Action on Elder Abuse 0808 8088141

Age UK 0800 009966

Care Quality Commission 0300 0616161

Childline 08001111

Modern Slavery Helpline 08000 121700

NSPCC Child Protection Helpline 0808 8005000

The Samaritans 0845 7909090

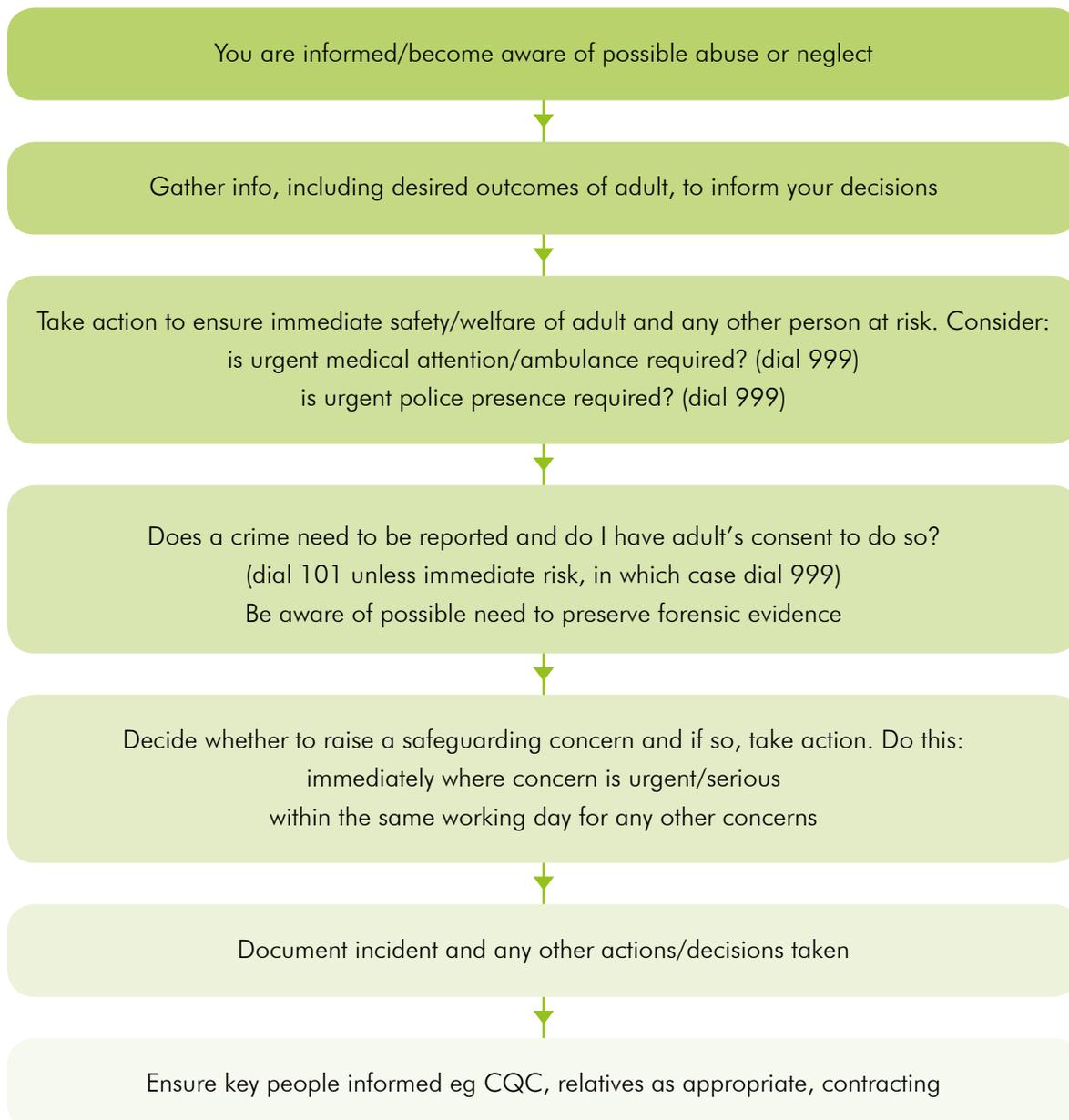
Victim Support 0845 3030900

Women's Aid 0808 2000247

Appendix 3

Useful flow charts for adults

Reporting arrangements





Considering whether to raise a concern

Does the adult have care support needs? (whether or not the local authority is meeting any of those care and support needs)



Is the person experiencing, or at risk of, abuse and neglect?

- Domestic abuse
- Physical abuse
- Sexual abuse
- Psychological abuse
- Modern slavery
- Discriminatory abuse
- Organisational abuse
- Financial or material abuse
- Neglect of acts of omission
- Self-neglect
- Another form of abuse

NB: Abuse may sometimes occur without any intent to cause harm



What is the nature and seriousness of the risk?

Consider:

- the adult's individual circumstances
- the nature and extent of the concerns
- the length of time it has been occurring
- the impact of any incident
- the risk of repeated incidents for the adult
- the risk of repeated incidents for others



Wherever possible, consider the wishes and desired outcomes of the adult. In other words, what do they want to happen next, what do they want to change about their situation and what outcome do they want to achieve.

Sometimes it will be necessary to Raise a Concern even if this is contrary to the wishes of the adult. Any such decision should be proportional to the risk, for example:

- it is in the public interest eg there is also a risk to others, a member of staff or volunteer is involved, or the abuse has occurred on property owned or managed by an organisation with a responsibility to provide care
- the adult lacks mental capacity to consent and it is the adult's best interests
- the adult is subject to coercion or undue influence, to extent that they are unable to give consent
- it is in the adult's vital interests (to prevent serious harm or distress or life threatening situations)



If you remain unsure whether to raise a safeguarding concern, seek advice:

- Contact your organisation's safeguarding adults lead
- Contact your local safeguarding services (See the Multi-Agency Safeguarding Adults Policy and Procedures, Section 5.4 for contact details)



Considering whether to report a concern to the Police

If you believe a crime has been committed:

- seek the person's consent to report the matter immediately to the police

Seeking the person's consent to report a crime will be in addition to raising a safeguarding concern with the local authority



If the person has mental capacity in relation to the decision and does not want a report made, this should be respected unless there are justifiable reasons to act contrary to their wishes, such as:

- the person is subject to coercion or undue influence, to the extent that they are unable to give consent, or
- there is an overriding public interest, such as where there is a risk to other people
- it is in the person's vital interests (to prevent serious harm or distress or in life-threatening situations)

There should be clear reasons for overriding the wishes of a person with the mental capacity to decide for themselves. A judgement will be needed that takes into account the particular circumstances.

If the person does not have mental capacity in relation to this decision, a Mental Capacity Assessment must be undertaken and a decision taken in their best interests.



Preserving evidence

If a crime has occurred, try to preserve evidence in case there is a criminal investigation.

- Try not to disturb the scene, clothing or victim if at all possible
- Secure the scene, for example if possible lock the door
- Preserve all containers, documents, locations, etc
- Evidence may be present even if you cannot actually see anything
- If in doubt, contact the police and ask for advice

The police should be contacted for advice wherever required.



Who else to inform

If you are a service provider and a safeguarding concern has been raised, notify your regulatory body and the authority that commissions your service for the adult at risk



You may also need to inform:

- The Charity Commission, if your service is a registered charity
- Your line manager (and safeguarding adults lead if different) of your decisions and actions in line with this procedure
- Your Human Resources Manager if allegations/concerns relate to a member of employee or volunteer
- Staff delivering a service on a need-to-know basis so that they do not take actions that may prejudice an enquiry

Document the concern and any actions of decisions taken

Ensure all actions and decisions are fully recorded. It is possible that your records may be required as part of an enquiry, be as clear and accurate as you can. Record the reasons for your decisions and any advice given to you in making these decisions.



Ensure that appropriate records are maintained, including details of:

- The nature of the safeguarding concern/allegation
- The wishes and desired outcomes of the adult at risk
- The support and information provided to enable the adult at risk to make an informed decision
- Assessments of Mental Capacity where indicated
- The decision of the organisation to raise a concern or not.

Appendix 4

Six principles of safeguarding adults

The Joint Multi-Agency Safeguarding Adults Policy and Procedures are based on The Six Principles of Safeguarding that underpin all adult safeguarding work.



Empowerment

Adults are encouraged to make their own decisions and are provided with support and information.

"I am consulted about the outcomes I want from the safeguarding process and these directly inform what happens."

Prevention



Strategies are developed to prevent abuse and neglect that promote resilience and self-determination.

"I am provided with easily understood information about what abuse is, how to recognise the signs and what I can do to seek help."



Proportionate

A proportionate and least intrusive response is made balanced with the level of risk.

"I am confident that the professionals will work in my best interests and only get involved as much as needed."



Protection

Adults are offered ways to protect themselves, and there is a coordinated response to adult safeguarding.

"I am provided with help and support to report abuse. I am supported to take part in the safeguarding process to the extent to which I want and to which I am able."

Partnerships



Local solutions through services working together within their communities.

"I am confident that information will be appropriately shared in a way that takes into account its personal and sensitive nature. I am confident that agencies will work together to find the most effective responses for my own situation."



Accountability

Accountability and transparency in delivering a safeguarding response.

"I am clear about the roles and responsibilities of all those involved in the solution to the problem."

Appendix 5

Four stage reporting procedure for adults

Process up to 30 September 2019

1. Raising a concern
2. Initial enquiries
3. Risk Management Response
4. Strategy Meeting
5. Formal Enquiry
6. Case conference
7. Review

Process from 1 October 2019

1. Reporting a concern
2. Responding to a concern/information gathering
3. Safeguarding response
4. Outcomes and closure





a place to
grow



a place to
grow

HAMBLETON
DISTRICT COUNCIL

Civic Centre, Stone Cross, Rotary Way, Northallerton, North Yorkshire DL6 2UU
01609 779977

hambleton.gov.uk



This information is available in alternative formats and languages