

# East Devon District Council

## SAFEGUARDING POLICY

This policy should be read with the individual district council guides for managers and employees.

This policy can be made available in large print and other formats such as printed on yellow paper, taped, Braille etc. as requested.

### Policy development and Version details

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<b>Review dates</b>	January 2026
<b>Status for FOI</b>	Open
<b>Protected marking status</b>	Unclassified
<b>EqIA conducted</b>	January 2024

Version	Date	Description
V1.1	Oct 2023	Individual East Devon District Council Safeguarding Policy created from Devon District Councils Joint Safeguarding Policy
V1.2	Jan 2024	Updated draft post December 2023 Cabinet
V1.3	Feb 2024	Updated post 31 January 2024 Cabinet

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## 1. Introduction

1.1. This policy is based on the district council responsibilities under:

- The Care Act 2014 in particular Sections 42 to 46 related to safeguarding, further information can be found at: <http://www.legislation.gov.uk/ukpga/2014/23/contents/enacted>
- The Children's Act 2004, specifically Section 11 which 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. Further information can be found at: <http://www.legislation.gov.uk/ukpga/2004/31/contents>
- Working Together to Safeguard Children, a guide to multi-agency working to help, protect and promote the welfare of Children, December 2023 [Working together to safeguard children 2023: statutory guidance \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/114111/working-together-to-safeguard-children-2023-statutory-guidance.pdf)
- The Mental Capacity Act 2005 provides a statutory framework for people who lack capacity to make decisions for themselves.
- The Human Rights Act 1998 applies to all public authorities. Organisations must comply with the Act and the individual's rights when providing a service or making decisions that impact on the individual's rights.
- The Counter Terrorism Act 2015 section 26 which places a duty on certain bodies, in the exercise of their functions, to have due regard to the need to prevent people from becoming terrorists or supporting terrorism. The Prevent Agenda is one of four strands which makes up the Governments counter-terrorism strategy. Further information can be found at: <http://www.legislation.gov.uk/ukpga/2015/6/contents>
- The Modern Slavery Act 2015. Further information can be found at: <http://www.legislation.gov.uk/ukpga/2015/30/contents/enacted>
- The Anti-Social Behaviour, Crime and Policing Act 2014 in particular Part 10 relating to forced marriage. Further information can be found at: <http://www.legislation.gov.uk/ukpga/2014/12/contents/enacted>
- The Serious Crime Act 2015 particularly Part 5 relating to female genital mutilation, child cruelty and domestic abuse. Further information can be found at: <http://www.legislation.gov.uk/ukpga/2015/9/contents/enacted>
- The policy is written with reference to the principle of Think Child, Think Parent, Think Family. Further information can be found at: <http://www.publichealth.hscni.net/publications/think-childhttp://www.publichealth.hscni.net/publications/think-child-think-parent-think-family-0think-parent-think-family-0>

## 2. Policy commitment

2.1. East Devon District Council (EDDC) believe that all children, young people and adults have the right to be safe, happy and healthy and deserve protection from abuse. The council is committed to safeguarding from harm all children, young people and adults with care and support needs (see definition in paragraph 4 relating to the Care Act 2014) using any council services and involved in any of their activities, and to treat them with respect during their dealings with the council, our partners, and contractors.

## 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 adults with care and support needs are protected and respected and have the right to be safe.

- Ensure the importance of listening to children and adults at risk and responding appropriately “listening to the voice of the child or adult at risk”.
- Promote best practice in how employees, councillors and associated workers interact with children and young people (taking on that corporate parenting role) and ensuring a shared responsibility where needed and supporting adults at risk while providing Council services.
- Develop clear guidance and procedures for those employees and councillors working with children, young people and adults with care and support needs and ensure through training and support that they are aware of these and able to implement them.
- Support a framework for developing partnerships with appropriate external bodies e.g. Torbay and Devon Safeguarding Adult Board and Devon Safeguarding Children Partnership, to ensure that the policy continues to reflect legal and best practice requirements in respect of a shared responsibility of care of children, young people and adults with care and support needs.
- Provide a framework for local Practical Guidance to exist for the consideration and management of safeguarding via the EDDC Safeguarding Intranet Page.

#### 4. Scope of the Policy

4.1 The policy is in respect of the district 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.
- Adults with care and support needs are defined under the Care Act 2014 and for the purposes of this policy, as anyone over the age of 18 who:
  - has needs for care and support (whether or not the local authority is meeting any of those needs); **and**
  - is experiencing, or is at risk of, abuse or neglect; **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 employees and councillors of the council who have dealings with children, young people and adults with care and support needs and who are required to act in a position of trust and to act responsibly and within the law.
- The employees and councillors of the council who, while not required to act in a position of trust, will come into contact with members of these groups on a regular basis during the course of their work.
- 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.

4.2 It covers all the functions and services of the council, its elected Councillors, staff, partners and contractors.

4.3 This document is primarily concerned with protecting children, young people and adults with care and support needs from harm and providing guidance on how to deal with issues. However, it is important to remember that safeguarding has a wider meaning which includes the promotion of welfare and taking action to enable all children, young people and adults with care and support needs to have the best life outcomes.

4.4 The policy does not cover health and safety issues related to safeguarding children such as use of play equipment or provision of food at events. Separate guidance on this and appropriate behaviours when dealing with children and adults with care and support needs, should be read in conjunction with this policy.

4.5 Where available this policy should also be used in conjunction with the following documents:

- Disciplinary Procedure
- Grievance Procedure

- Whistle Blowing Policy
- Access to Information Policy
- Acceptable Use Policy
- Equality Policy
- Complaints & Feedback Procedure
- Harassment and Hate Crime Policy
- Health & Safety at Work guidance
- Volunteer Policy
- Employees Code of Conduct
- Councillors' Code of Conduct

## **5. Responsibility**

- 5.1. The Chief Executive has overall responsibility for delivery of the organisation's safeguarding arrangements.
- 5.2. The Council is responsible for ensuring that the Local Authority has a safeguarding policy which adequately provides protection for children and adults with care and support needs in receipt of its services. It is also responsible for the regular review of this policy in the light of changes to legislation. Responsibility for the implementation of this policy lies at all levels of the council.

### **5.3. Councillors**

- 5.3.1. Safeguarding sits within the Council and Corporate Coordination Portfolio and the portfolio holder will be the designated Councillor Safeguarding Lead. The Councillor Safeguarding Lead will:
- Work with the Director of Housing, Health & Environment who is the Corporate Safeguarding Lead to ensure that the policy is fit for purpose and fully implemented.
- 5.3.2. The Council will appoint a Councillor Safeguarding Champion. The Councillor Safeguarding Champion will:
- Assist the Councillor Safeguarding Lead in implementing the policy.
  - Provide advice and support where required to other Councillors.
  - Liaise with Officer Safeguarding Champions to ensure that safeguarding issues are addressed appropriately, and that learning is shared across the Council.
  - Promote good practice and understanding of the policy amongst Councillors.
- 5.3.3. All elected Councillors are responsible for:
- Ensuring that they are familiar with and understand the policies and procedures relating to their Council casework with or in the vicinity of children and adults with care and support needs.
  - Ensuring that they feel confident in working within this environment to ensure that they have the knowledge and skills to carry out their tasks in this context.
  - Treating all those children and adults with whom they come into contact while carrying out their work equally and with respect.
  - Reporting any concerns, they may have about abuse or a lack of care of children and adults with care and support needs to the relevant Devon County Council (DCC) service as per Appendix 1.
  - In the case of a suspected abuse or working outside good practice involving a member of staff, volunteer or Councillor of East Devon District Council, the reporting Councillor will raise the issue through the Corporate Safeguarding Lead – Director of Housing, Health & Environment, for consideration of submission to the Local Authority Designated Officer (LADO) at Devon County Council in consultation with our Liaison Officer and/or Monitoring Officer as detailed below.

- Directing enquiries relating to attendance at a LADO / PIPOT (Person in Position of Trust) investigation meeting to the Corporate Safeguarding Lead (Director of Housing, Health & Environment).
- Ensuring that they have an up-to-date certificate from the Disclosure Barring Service (DBS).
- Undertaking Mandatory Safeguarding Training upon induction and each new term of office so they can recognise and respond to the signs and symptoms of child and adult abuse.

5.3.4. Elected Councillors who have a safeguarding concern may discuss the matter with the Councillor Lead or Champion, seeking advice if required on whether to refer the matter to the appropriate external organisation. However, the final decision lies with the individual Councillor.

## **5.4. Officers**

5.4.1. East Devon District Council has appointed The Director of Housing, Health and Environment as the Corporate Safeguarding Lead responsible for:

- The implementation of the policy and providing a single point of contact for the safeguarding boards.
- Ensuring there is a secure central record relating to allegations and investigations.
- Acting as multi agency partner on the Local Safeguarding Children Board and Local Adult Safeguarding Board.
- Advocating the importance of safeguarding to partners, contractors, and customers.
- Ensuring all safeguarding policies, procedures and guidelines are implemented and promoted.
- Being the single point of contact for all enquiries in relation to an officer or councillor being required to attend a LADO (Local Authority Designated Officer) / PIPOT (Person in Position of Trust) investigation. The Corporate Safeguarding Lead will inform the LADO Liaison Officer (Corporate HR Manager) for issues relating to officers or the Monitoring Officer for issues relating to Councillors.
- Ensuring anyone from EDDC invited to a LADO/PIPOT meeting called by DCC should not go unaccompanied and should consult the Corporate Safeguarding Lead.
- If a member of the public raises a concern re suspected abuse or working outside of good practice involving a member of staff, volunteer or Councillor of EDDC, this enquiry will be directed to the Corporate Safeguarding Lead.
- Delivery of the EDDC Safeguarding Forum.
- Delivery of a bi-annual Safeguarding Champions meeting.

5.4.2. Assistant Directors & Directors will act as Officer Safeguarding Champions and have responsibility for:

- Receiving concerns, discussing them with whoever has raised the concern and taking advice from the relevant partner agency/County Council service: this could include complex matters such as consent and whether parents/carers should be notified.
- Ensuring the procedure is followed on such matters as making a referral, confidentiality, and recording.
- Assist the Corporate Safeguarding Lead in implementing the policy.
- Provide advice and support to colleagues and promote good practice across the organisation.
- Attending appropriate courses and updating of safeguarding legislation.
- Liaise with the Councillor Safeguarding Champion to ensure that safeguarding issues are addressed appropriately, and that learning is shared across the Council.

#### 5.4.3. Members of the Senior Leadership Team are responsible for:

- Identifying those services and posts that are likely to have an involvement with children and adults with care and support needs and undertaking an appropriate risk assessment of posts in respect of DBS disclosure requirements.
- Ensuring that those people appointed by them to the district council, whose normal duties fall into the definition of Regulated Activity as defined in the Safeguarding Vulnerable Groups Act 2006 and amended by the Protection of Freedoms Act 2012, are subject to the appropriate level of DBS disclosure and are appropriately qualified and/or trained in working with these groups.
- Ensuring that all necessary procedures and practices are in place to provide adequate protection both for the individuals in these groups but also protection for the employees involved with them.
- Ensuring that proper records are kept of any incidents occurring within their service and that these are held securely and/or passed on to the council's Human Resources/Personnel team if the incident involves a member of staff.
- Ensuring that the procurement framework for the authority includes expectations upon contractors to demonstrate effective safeguarding practices for all their staff.

#### 5.4.4. Line Managers are responsible for:

- Ensuring that employees, volunteers, and other workers dealing with these groups are adequately trained and aware of their responsibilities in this area including who they need to speak to when they have concerns.
- Ensuring that external contractors delivering council services are aware of the council's expectation that workers are aware of and abide by the standards of behaviour expected of council employees.
- Ensuring that carers and/or parents of the children and adults with care and support needs are aware that, in providing services, council employees are not normally acting in place of a parent, except in relation to events for unaccompanied children who have been formally registered.
- Ensuring the carers and/or parents of the children and adults with care and support needs who are in direct receipt of council services are made aware that services will be delivered in line with this policy.
- Ensuring that any evidence or complaint of abuse or lack of care is reported to the appropriate body e.g. Devon County Council, Safeguarding Board or the Police, and to the council's Human Resources or Personnel team where members of staff are involved.
- Ensuring that employees and others do not work with children or adults with care and support needs on regulated activities without an appropriate Disclosure & Barring Service (DBS) disclosure.
- Working with other associated agencies to ensure the proper transfer of information relating to dealings with children and adults with care and support needs, where necessary.
- Ensuring that adequate supervision and support is available to those who have been directly involved in dealing with safeguarding cases, including a debrief of the case and any relevant outcomes.

#### 5.4.5. Human Resources are responsible for:

- Working with senior managers in maintaining a record of those posts, requiring a DBS disclosure together with the level of disclosure required.
- Ensuring that recruitment procedures are robust and that information pertinent to working with these groups is obtained during the recruitment procedure.
- Ensuring that DBS Disclosures are carried out in compliance with legislation and DBS guidance.

- Supporting senior managers in dealing with allegations of abuse or lack of care by staff.
- Referring information to the DBS and Local Authority Designated Officer (LADO) about employees who have been dismissed or removed from working with vulnerable groups (or would have been had they not left/resigned) as a result of a relevant caution/conviction, conduct that has harmed or put a child/vulnerable adult at risk of harm, or satisfied the 'Harm Test' in relation to vulnerable groups.

5.4.6. Local Authority Designated Officer (LADO) Liaison Officer (Corporate HR Manager) is responsible for:

- Reviewing situations with the Corporate Safeguarding Lead where a member of staff or volunteer may have behaved in a way that has:
  - Harmed or may have harmed a child or adult with care and support needs.
  - Possibly committed a criminal offence against children or adults with care and support needs.
  - Behaved towards a child/children or adult/adults with care and support needs in a way that indicates they may pose a risk of harm to children/adults with care and support needs.
- Reviewing with the Monitoring Officer, the Corporate Safeguarding Lead and the Councillor Safeguarding Lead, concerns with regards to a Councillor who may have behaved in a way that has:
  - Harmed or may have harmed a child or adult with care and support needs.
  - Possibly committed a criminal offence against children or adults with care and support needs.
  - Behaved towards a child/children or adult/adults with care and support needs in a way that indicates they may pose a risk of harm to children/adults with care and support needs.

5.4.7. The Monitoring Officer is responsible for:

- Ensuring DBS checks are undertaken for all District Councillors as part of the Safeguarding Policy and reviewing them to ensure there are no matters of concern.
- In the event that the disclosure information received raises issues of concern, to advise the Chief Executive who in consultation with the relevant Group Leader, will discuss with the individual Councillor the restrictions considered necessary, to safeguard children, young people and adults, on the positions held by that Councillor. The existence of a criminal record or other information revealed as a result of an enhanced DBS check will not automatically debar a Councillor from holding office.
- Reviewing with the LADO Liaison Officer, the Corporate Safeguarding Lead and the Councillor Safeguarding Lead, concerns with regards to a Councillor who may have behaved in a way that has:
  - Harmed or may have harmed a child or adult with care and support needs.
  - Possibly committed a criminal offence against children or adults with care and support needs.
  - Behaved towards a child/children or adult/adults with care and support needs in a way that indicates they may pose a risk of harm to children/adults with care and support needs.

5.4.8. All employees and particularly those working with children and adults with care and support needs 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 adults with care and support needs.
- Ensuring that they feel confident in working within this environment and working with their managers to ensure that they have the knowledge and skills to carry out their tasks in this context.

- Treating all those children and adults with whom they come into contact while carrying out their work equally and with respect.
- Reporting any concerns, they may have about abuse or a lack of care of children and adults with care and support needs to the relevant Devon County Council (DCC) service as per Appendix 1.
- In the case of a suspected abuse or working outside good practice involving a member of staff, volunteer or Councillor of East Devon District Council, the reporting officer will raise the issue through the Corporate Safeguarding Lead – Director of Housing, Health & Environment, for consideration of submission to the Local Authority Designated Officer (LADO) Person in a Position of Trust (PIPOT) at Devon County Council via our Liaison Officer as detailed below.
- Directing enquiries relating to attendance at a LADO (Local Authority Designated Officer) / PIPOT (Person in Position of Trust) investigation meeting to the Corporate Safeguarding Lead (Director of Housing, Health & Environment).
- Undertaking Mandatory Safeguarding Training upon induction and every three years.

#### **5.5. Volunteers, partners, contractors and other workers are expected to:**

- Work with employees of the council, to the same standard, in ensuring the safety and wellbeing of children and adults with care and support needs within their scope.
- Participate in any training or development opportunities offered to them to improve their knowledge of skills in this area.

#### **5.6 Glossary**

- LADO (Local Authority Designated Officer) investigation; relates to the management of allegations against adults working with children, via Devon County Council.
- PIPOT (Person in Position of Trust) investigation; relates to the management of allegations against adults working with vulnerable adults, via Devon County Council.

#### **6. Review**

- 6.1 This policy and the guidance will be reviewed bi-annually or whenever there is a significant change in the related legislation, or an emerging risk is identified. This will help us ensure that these documents are up to date and fit for purpose.
- 6.2 A review of safeguarding activity will be presented to Cabinet and Scrutiny Committee annually.



# Appendix 1 EDDC Safeguarding Process

## Safeguarding Guidance for staff and Councillors.

**EVERY** Member of Staff & Councillor has a **DUTY to report Safeguarding Concerns** and share information.

If you think a child or adult is in immediate danger or a crime has been committed, then always contact the police on 999.



### Summary process chart –

