

The Vale of Glamorgan Council

Cabinet Meeting: 18 December, 2017

Report of the Leader

Corporate Safeguarding Mid Term Report - April - September (2017/18)

Purpose of the Report

1. To update Cabinet members on the work that has been undertaken to improve corporate arrangements for safeguarding and protecting children and adults who require specific Council services and to ensure that these arrangements are effective.

Recommendations

1. That Cabinet notes the work that has been undertaken to improve corporate arrangements for safeguarding and protecting children and adults.
2. That Cabinet continues to receive six-monthly reports on work carried out to improve corporate safeguarding arrangements and the effectiveness of relevant policies.
3. That the report is referred to the Social Care and Health, Learning and Culture, and Corporate Performance and Resources Scrutiny Committees for consideration.

Reasons for the Recommendations

1. To ensure that Cabinet is aware of recent developments in corporate arrangements for safeguarding.
2. To allow Cabinet to exercise effective oversight of this key area of corporate working.
3. To respond to requests that each Scrutiny Committee is provided with update reports.

Background

2. The Corporate Safeguarding Working Group was established in this authority to learn lessons from the 2011 CSSIW and Estyn joint report following their investigation into the way Pembrokeshire County Council was managing allegations of professional abuse and its arrangements for safeguarding and protecting children in education.
3. The Group has been working through an action plan to improve safeguarding across the Council. This year it has developed and implemented the Corporate

Safeguarding Policy and members have been offered training on this important policy.

4. Cabinet agreed a Safer Recruitment Policy for the Council and Schools in January 2013 and the Policy has been in place since April 2013. It has been adopted by all Vale of Glamorgan schools and throughout the Council. The attached Appendix outlines the sustained improvements for safer recruitment policies across the Council, including education and clearly demonstrates that practice continues to improve.

Relevant Issues and Options

5. In the past, safeguarding activity by different parts of the Council has been reported separately to Cabinet, relevant Scrutiny Committees and Corporate Management Team. Attached at [Appendix 1](#) is a Mid Term Report for 2017/18 that brings together safeguarding activity undertaken by the Resources and Safeguarding, Learning and Skills, and Social Services Directorates. This provides a more holistic representation of safeguarding activity across the Council.
6. The Social Services and Well-being (Wales) Act 2014 ("the Act") was implemented in April 2016. This has brought about changes in particular relating to the introduction of a 'duty to report' which has meant a revision of the Corporate Safeguarding Policy to bring staff's attention to this duty. The Director of Social Services must ensure effective safeguarding arrangements are in place, and must oversee and report to Members on a consistent basis in relation to the operation, monitoring and improvement of child and adult safeguarding systems within this local authority.
7. The new 'Working Together to Safeguard People Statutory Guidance: Volume 1-4 issued under Part 7 of the new Act is now published. Guidance on handling individual cases (volumes 5 and 6) to protect children and adults at risk was launched for public consultation by Welsh Government on 31st January 2017. The guidance sets out the expectations about the ways in which agencies and practitioners should work together to safeguard adults and children in Wales, and sets out the procedure for handling individual cases after a report has been made to a local authority about a child or adult at risk. The consultation closed on 25th April 2017 and a summary of responses was published in August 2017. This guidance is anticipated to be published before the end of 2017.

Resource Implications (Financial and Employment)

8. There are no direct resource implications arising from the corporate safeguarding work. However, the increased awareness of safeguarding and the responsibility to respond to concerns of those who may not be eligible for our services has brought about significant pressures within Social Services teams, and consequently we need to review processes to ensure clarity for people raising concerns and who responds to these enquiries/notifications about individuals who are considered 'at risk', but are not known or eligible for our statutory services.

Sustainability and Climate Change Implications

9. There is no sustainability or climate change implications arising directly from this report.

Legal Implications (to Include Human Rights Implications)

10. The Law relating to the safeguarding and protection of children from harm is set out in a variety of legislation, secondary legislation and guidance in addition to the provisions set out in the Act. This includes the Human Rights Act, and the Rights of Children and Young Persons (Wales) Measure 2011 which incorporates the United Nations Convention on the Rights of the Child (UNCRC) into Welsh domestic law, the Children Act 1989 and 2004, and the Education Acts 1996 and 2002.
11. The Act imposes duties on a Local Authority under Part 7 of the Act in relation to the safeguarding of adults and children at risk. A Local Authority has a duty to safeguard and protect children from the risk of abuse, neglect or other kinds of harm and to make investigations into circumstances in which they may arise under s.47 The Children Act 1989, to report children at risk of harm to a relevant authority, safeguarding issues and duties to make arrangements for ensuring that the function to the Local Authorities are discharged, having regard to the need to safeguard and report the welfare of children.
12. In relation to safeguarding of adults who are at risk, Part 7 of The Act places a duty on a local authority who has reasonable cause to suspect that a person within its area, is an adult at risk, to make or cause to be made whatever enquiries it considers necessary to enable it to decide whether any action should be taken and requires Under s.127 an authorised officer to apply to a justice of the peace for an Adult Protection and Support Order, which if granted authorises entry into premises (if necessary) by force for the purpose of enabling an Authorised Officer of the Local Authority to assess whether an adult is at risk of abuse or neglect and if so, what to do about it. Other legislation including the Human Rights Act applies duties to safeguard adults, along with statutory and non-statutory guidance intended for Local Authorities and their relevant Partners which sets out the safeguarding duties. When exercising functions under the Act in relation to adults who need care and support and carers who need care and support, the Local Authority must have regard to the United Nations Principles for Older Persons as adopted by the General Assembly of United Nations (the UN Principles for Older Persons).
13. Regulations made under the Act provide for the establishment of Safeguarding Boards for adults and children and for the combining of such Boards. There are various regulations in force which confer powers granted to Welsh Ministers to underpin those parts of the Act applied to safeguarding of adults. The All Wales Child Protection Procedures revised in 2008 complements the statutory guidance issued under Part 7 of the Act, which is intended to replace the Safeguarding Children: Working Together Under the Children Act 2004. Funding for the revision of the All Wales Child Protection Procedures was awarded to the Cardiff and Vale of Glamorgan Safeguarding Adult and Children's Boards in June 2017. Revisions of these procedures are well underway and encompass procedures for the protection of adults. These procedures will be referred to as the All Wales Protection Procedures. The Welsh Government has also gone out to tender for the review of the Safeguarding Children and Young People from Sexual Exploitation (SCE) Statutory Guidance. The successful contractor will be commissioned to carry out a review and to provide recommendations to Welsh Government in relation to what changes, if any, are required to be made to the Statutory Guidance (the definition of SCE) and the Sexual Exploitation Risk Assessment Framework (SERAF).
14. S.143 of the Act sets out the Social Services functions of a Local Authority under Schedule 2 of the Act. The Code of Practice issued under s.145 of the Act sets out

the role of the Director of Social Services relating to social services functions, including those functions relating to safeguarding. The Code of Practice issued under Part 8 requires the Local Authority and partner agencies to make arrangements for ensuring the discharge of functions having regard to the need to safeguard and promote the welfare of children. The Code of Practice while making it clear that the safeguarding children and adults at risk of abuse and neglect is everyone's responsibility, the Director of Social Services must show leadership to ensure effective safeguarding arrangements are in place, both within the Local Authority and by relevant partners. The Director of Social Services must oversee and report to Councillors, on a consistent basis regarding the operation, monitoring and improvement of child and adult safeguarding systems within the Local Authority. Defined arrangements with other Officers within the Local Authority, particularly the Head of Adult Services and Head of Children and Young People Services must be clear in relation to delegation and reporting arrangements relating to safeguarding issues.

15. The Codes of Practice already issued under Part 7 of the Act sets out the statutory guidance regarding adult protection and support orders, duties to report adults and children at risk, duties to enquire under s.126 of the Act and s.47 of the Children Act 1989, Child and Adult Practice Reviews, statutory guidance in relation to Safeguarding Board partners, and information regarding the National Independent Safeguarding Board and Safeguarding adult Boards. Further guidance under volumes 5 and 6 of the Code of Practice will provide guidance on handling individual cases to protect children and adults at risk.
16. In relation to DBS arrangements, key elements of the Protection of Freedoms Act 2012 have been implemented.

Crime and Disorder Implications

17. Any application for employment for those posts included within the definition of regulated activity by candidates who are included on the relevant barred list will be considered a criminal act and reported to the Police and relevant registration body (if appropriate).

Equal Opportunities Implications (to include Welsh Language issues)

18. The Safer Recruitment Policy legitimately excludes consideration for appointment of all applicants for posts within regulated activity whose criminal actions/convictions mean that they are deemed unsuitable or who are included within the barred list.

Corporate/Service Objectives

19. The work of the Corporate Safeguarding Group assists the Council in meeting the following corporate objectives:

Well-being Outcome 4: An Active and Healthy Vale

Objective 8: Safeguarding those who are vulnerable and promoting independent living:

- develop and implement a corporate policy on safeguarding to provide a clear strategic direction and lines of accountability across the Council.
- work with partners through the Cardiff and Vale Local Safeguarding Children's Board to develop a Child Sexual Exploitation Strategy.

"We have a responsibility to safeguard our vulnerable residents and we will continue to work with partners to improve the wellbeing of our most vulnerable residents, their families and carers."

Policy Framework and Budget

20. This is a matter for Executive decision by Cabinet.

Consultation (including Ward Member Consultation)

21. This is an issue which affects all areas of the Vale of Glamorgan.

Relevant Scrutiny Committee

22. Social Care and Health, Learning and Culture, and Corporate Performance and Resources.

Background Papers

The All Wales Child Protection Procedures (2008)

The All Wales Protection of Vulnerable Adults Interim Procedures (2013)

Working Together to Safeguard People Guidance under Part 7 of the Social Services and Well-being (Wales) Act 2014.

Contact Officer:

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Officers Consulted

Corporate Safeguarding Group
Corporate Management Team

Responsible Officer:

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