

The Vale of Glamorgan Council

Cabinet Meeting: 7 March, 2016

Report of the Leader

The Vale of Glamorgan Interim Corporate Safeguarding Policy

Purpose of the Report

1. To ensure continuous improvement in corporate arrangements for safeguarding and protecting children and adults who require specific Council services and to ensure that these arrangements are effective.

Recommendation

1. That Cabinet approves the Vale of Glamorgan Interim Corporate Safeguarding Policy.

Reason for the Recommendation

1. To equip all council departments, staff and elected members with up-to-date guidance about how to apply robust safeguarding practices.

Background

2. In 2011, CSSIW and Estyn published a 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 services. Significant concerns were expressed in the report about the quality of corporate working to safeguard and protect children by the local authority.
3. Following that report, a Corporate Safeguarding Working Group was established by this Council to learn lessons from the Pembrokeshire investigation and to ensure that effective arrangements for protecting vulnerable people in the Vale are in place. It is chaired by the Director of Social Services. The group works to an action plan that addresses findings from experience, inspection and audit.
4. Cabinet receives regular reports from the group, agreed by the Corporate Management Team, so that it can exercise effective oversight of safeguarding activity across the Council. These reports are referred to the Social Care and Health, Lifelong Learning and Corporate Resources Scrutiny Committees for consideration.

Relevant Issues and Options

5. Welsh Government policy documents such as “Working Together under the Children Act 2004” sets out clear expectations of the leadership needed corporately from, senior members and officers on safeguarding matters, with collective responsibilities for planning improvements. However, the Wales Audit Office ‘Review of Corporate Safeguarding Arrangements in Welsh Councils’ (published in July 2015) found that many of the corporate safeguarding responsibilities within local authorities across Wales were underdeveloped and not well understood. The report is attached at [Appendix 1](#). In order to address this issue, one of the key recommendations from the review was that all councils should have a Corporate Safeguarding Policy in place to guide all departments, staff and elected members in the application of robust safeguarding practices.
6. The Corporate Safeguarding Working Group has devised an Interim Corporate Safeguarding Policy which brings into one document and codifies a range of relevant material produced within the Council at different times and for different purposes. The Policy, attached at [Appendix 2](#), has been endorsed by the Corporate Management Team.
7. The statutory framework introduced by the Social Services Well-being (Wales) Act 2014 will require the Working Group to revise the interim policy as soon as possible after the Act is implemented, in April 2016. However, it is anticipated that new versions of “Working Together” and “In Safe Hands” (updated 2003) (which guides the statutory response to adult abuse and neglect) will not be available for some time. Because times of significant change can generate increased risk to vulnerable people, it is important to have available clear guidance during such periods. The Interim Policy will fulfil this purpose well. In addition, some staff in the Council are obliged to follow the January 2013 version of the ‘Wales Interim Policy and Procedures for the Protection of Vulnerable Adults from Abuse’ (POVA), which will also need updating to ensure compliance with the Act. This document will take precedence over the Interim Corporate Safeguarding Policy for those exercising adult protection functions in the POVA and case management teams within the Social Services Directorate.
8. Elected Members will be invited to attend a training session in respect of the Interim Corporate Safeguarding Policy in March as part of the training programme for implementing the Social Services and Well-being Act.

Resource Implications (Financial and Employment)

9. In January 2013, Cabinet approved the Safer Recruitment Policy for the Council and Schools. As a consequence of these revised safeguarding arrangements, additional demands are being placed on head teachers and managers and upon TransAct in administering risk assessments, ensuring that these are completed and dealing with managers' queries with regard to their various roles in safer recruitment. Meeting the need for additional training has generated resource consequences for schools and other parts of the Council but these have been met from current budgets.

Sustainability and Climate Change Implications

10. There are no sustainability or climate change implications arising directly from this report.

Legal Implications (to Include Human Rights Implications)

11. The Local Authority's duties to ensure that children and vulnerable adults are properly safeguarded and protected from harm are enshrined in legislation. Section 28 of the Children Act 2004 imposes a duty on local authorities to make arrangements for ensuring that their functions are discharged having regard to the need to safeguard and promote the welfare of children. Section 175 of the Education Act 2002 imposes a duty on a local authority to make arrangements for ensuring that their education functions are exercised with a view to safeguarding and promoting the welfare of children. In fulfilling its responsibilities and in ensuring that it meets these duties, the local authority should have in place effective policies and procedures, with overarching quality assurance systems to ensure that the necessary checks and balances are in place to safeguard and protect children.
12. The All Wales Child Protection Procedures reflect the values and principles enshrined in the UN Convention on the Rights of the Child. The Welsh Government developed these values and principles in 'Children and Young People: Rights to Action 2004', and adopted core aims and outcomes through which it is committed to work with all children and young people. The key outcome for improving the well-being of children includes the requirement that children live in a safe environment and be protected from harm. The All Wales Child Protection Procedures take account of various legislation, guidance, research and reports.
13. The Wales Interim Policy and Procedures for the Protection of Vulnerable Adults from Abuse has the status of 'best practice' for the management of adult protection in Wales. It is intended to guide the safeguarding work of all those concerned with the welfare of vulnerable adults. These Procedures are based on certain principles of the European Convention of Human Rights and the Human Rights Act 1998. The Council also acts in accordance with the requirements of the Mental Capacity Act 2005. Section 17 of the Crime and Disorder Act 1998 imposes a duty on the local authority to ensure that every reasonable step is taken to protect adults and prevent crime and disorder when it undertakes its functions. The Violence Against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015 aims to prevent gender-based violence and abuse by placing an 'ask and act' duty on public staff, to ask victims about the possibility that they may be experience violence and act to reduce the harm.
14. The provisions of the Social Services and Well-Being (Wales) Act 2014 which is due to be implemented in April 2016 changes the statutory basis for safeguarding and introduces new requirements to strengthen and improve safeguarding of people of all ages who may be at risk of suffering abuse or neglect.

Crime and Disorder Implications

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

Equal Opportunities Implications (to include Welsh Language issues)

16. There are no Equal Opportunity implications as a direct result of this report. However, the Safer Recruitment policy adopted by the Council 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. Public bodies have a duty to comply with the Equality Act 2010.

Corporate/Service Objectives

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

- "To safeguard the wellbeing of vulnerable children, young people and vulnerable adults so that they have a healthy life, physically and emotionally, which is free from abuse, victimisation and exploitation and homes which support their physical and emotional wellbeing."
- "To promote health and wellbeing and ensure the safety of our learners particularly those with Additional Learning Needs and our most vulnerable learners."

Policy Framework and Budget

18. This is a matter for Executive decision.

Consultation (including Ward Member Consultation)

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

Relevant Scrutiny Committee

20. Corporate Resources, Social Care and Health, Lifelong Learning.

Background Papers

Cabinet Report: 14 January, 2013 - Safer Recruitment Policy for the Council and Schools.

Contact Officer

Alys Jones, Operational Manager Safeguarding and Performance

Officers Consulted

Corporate Safeguarding Group
Corporate Management Team

Responsible Officer

Philip Evans, Director of Social Services