

# **The Vale of Glamorgan Council**

## **Cabinet Meeting: 20 June, 2016**

### **Report of the Leader**

### **Corporate Safeguarding Update**

#### **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 following Scrutiny Committees for consideration: Corporate Performance & Resources, Homes & Safe Communities, Learning & Culture, and Healthy Living & Social Care.

#### **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. 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 Group was established in the Vale of Glamorgan to ensure that robust arrangements for protecting children, young people

and adults were 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. 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 relevant Scrutiny Committees.

4. As part of its action plan, the group has implemented a Safer Recruitment Policy for the Council and Schools. The policy has now been adopted and robustly applied by all Vale schools and throughout all Council departments.

## **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. 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.
6. In response, the Corporate Safeguarding Working Group produced a new action plan incorporating all actions within the WAO Review checklist as measures for achievement. It 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 was endorsed by Cabinet on 7th March this year. Elected Members attended a training session in respect of the Policy as part of the training programme for the Social Services and Well-being Act.
7. The statutory framework introduced by the Act 2014 and implemented in April 2016 will require the Working Group to revise the interim policy as soon as possible. However, it is anticipated that new versions of “Working Together” and “In Safe Hands”, the national documents that guide the statutory response to abuse and neglect, will not be available for some time. In the meantime, 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 takes 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. The Act 2014 created the duty on all council staff, members and partners to report all known or suspected incidents of abuse or harm. The Corporate Safeguarding Working Group has been active in ensuring that information has been provided to staff so that they can respond effectively to the new duty.
8. Attached at [Appendix 1](#) is a further report that brings together safeguarding activity undertaken by the Resources, Learning and Skills and Social Services Directorates. This provides a comprehensive account of safeguarding activity across the Council, as requested by Cabinet .

## **Resource Implications (Financial and Employment)**

9. As a consequence of revised safeguarding arrangements in respect of recruitment processes, 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 also has resource consequences for schools and the Safeguarding Officer in Learning and Skills. Local Safeguarding Children Board (LSCB) commitments are time-consuming, particularly conducting Audits within Education, assisting in Child Practice Reviews and delivering training for 'Working Together'.
10. All DBS counter signatories, Human Resources and TransAct staff experience considerable workload demands in administering the new DBS arrangements, in particular obtaining a copy of the DBS disclosure certificate from the applicant. These arrangements have increased the timescales necessary to determine the suitability of the applicant and to log the DBS response, which in turn has contributed to delay in concluding the recruitment process. The Head of Human Resources is exploring opportunities including the potential cost of procuring a "DBS E Bulk" solution which may offer the benefit of an on line response to whether the check is "clear" or if there are disclosures which would assist a reduction in the delay in determining suitability.

## **Sustainability and Climate Change Implications**

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

## **Legal Implications (to Include Human Rights Implications)**

12. The duties of the local authority to ensure that children are properly safeguarded and protected from harm are set out in legislation. 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. 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. In fulfilling its responsibilities, the local authority should have effective quality assurance systems in place to ensure that the necessary checks and balances are in place to safeguard and protect children.
13. The Wales Interim Policy and Procedures for the Protection of Vulnerable Adults from Abuse 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. The provision of the Social Services and Well-Being (Wales) Act 2014 provide a new statutory framework for the protection of adults at risk.
14. The Welsh Government Guidance, Safeguarding Children; Working together under the Children Act 2004 has been issued in accordance with the Children Act 2004 and under Section 7 of the Local Authority Social Services Act 1970 provides the working basis for the All Wales Child Protection Procedures. 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.

15. The Social Services and Well-being (Wales) Act 2014, implemented in April 2016, created a duty on all local authority staff and members and relevant partners to report any actual or suspected incidents of abuse or harm. Work is also progressing within Welsh Government to undertake a full review of its Guidance, "Safeguarding Children; Working together under the Children Act 2004" and "The Wales Interim Policy and Procedures for the Protection of Vulnerable Adults from Abuse" to ensure compliance with all safeguarding duties within the new Act.
16. In relation to DBS arrangements, key elements of the Protection of Freedoms Act 2012 have been implemented, all of which are taken into account within the revised DBS policy and guidance recently approved by Cabinet.

### **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 1: An inclusive and safe Vale - Objective 2: Providing decent homes and safe communities.
  - Well-being Outcome 3: An Aspirational and Culturally Vibrant Vale - Objective 5: Raising overall standards of achievement.
  - Well-being Outcome 4: An Active and Healthy Vale - Objective 8: Safeguarding those who are vulnerable and promoting independent living.

### **Policy Framework and Budget**

20. This is a matter for Executive decision.

### **Consultation (including Ward Member Consultation)**

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

### **Relevant Scrutiny Committees**

Corporate Performance & Resources, Homes & Safe Communities, Learning & Culture, and Healthy Living & Social Care.

## **Background Papers**

The Social Services and Well-being (Wales) Act 2014

The Protection of Vulnerable Adults Procedures (2013)

The All Wales Child Protection Procedures (2008)

Cabinet Meeting, 7 March 2016, the Vale of Glamorgan Interim Corporate Safeguarding Policy

## **Contact Officer**

Suzanne Clifton, Interim Head of Business Management and Innovation

## **Officers Consulted**

Corporate Management Team

Corporate Safeguarding Group

## **Responsible Officer**

Philip Evans, Director of Social Services