

## **The Vale of Glamorgan Council**

### **Cabinet Meeting: 23 January, 2017**

#### **Report of the Leader**

#### **Corporate Safeguarding Update**

##### **Purpose of the Report**

1. To update Cabinet on work done to ensure effective corporate arrangements for safeguarding and protecting children and adults who require specific Council services.

##### **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 this area of work and the effectiveness of relevant policies.
3. That the report is referred to the Healthy Living and Social Care, 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 local authority to act on the recommendations from a joint CSSIW and Estyn report in 2011, which followed an investigation into the way Pembrokeshire County Council was managing allegations of professional abuse and its arrangements for safeguarding and protecting children in education. The group's work focuses on ensuring effective corporate arrangements for safeguarding and protecting children and adults across the council. This year, it has sought to develop and implement a comprehensive Corporate Safeguarding Policy, which has included training for elected members.

The Group is considering mechanisms to monitor compliance with the Policy and further detail will be provided in the next six-monthly update to Cabinet.

3. The Council's Safer Recruitment Policy for the Council and Schools has been in place since April 2013. It has been adopted across all directorates and schools. As a consequence, there have been sustained and ongoing improvements across the Council.

### **Relevant Issues and Options**

4. Safeguarding activity undertaken by different parts of the Council used to be reported separately. Attached at [Appendix 1](#) is a report that seeks, for the second time, to bring together the wide range of work undertaken collectively by this local authority and within each Directorate. It is designed to help ensure greater transparency and accountability as well as a more holistic picture.
5. The Social Services and Wellbeing (Wales) Act 2014 came in to effect in April 2016. This has brought about significant changes. For example, there is a new duty on relevant partners to report to a local authority if it is suspected that an adult is an adult at risk. The Act also imposes a duty on a local authority to report to another local authority if an adult suspected of being an adult at risk is living in or moving to another area. Revisions to the corporate safeguarding policy are being made to ensure that staff are informed about bring requirements set out in the new statutory framework. We will need also to review processes and procedures, partly to help inform people who may want to raise concerns about individuals at risk and to clarify responsibility for responding to such enquiries/notifications.
6. Welsh Government is issuing a compendium of the statutory guidance under the common heading 'Working Together to Safeguard People'. Some volumes of guidance have been published: Volume 1 (Introduction and Overview), Volume 2, (Child Practice Reviews), Volume 3 – (Adult Practice Reviews) and Volume 4 (Adult Protection and Support Orders). Volumes 5/6 (Handling Individual Cases) will replace guidance which is now outdated (Working Together to Safeguard Children and In Safe Hands). This volume will be subject to a formal consultation in January and February.

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

7. There are no direct resource implications arising from this report. However, increased awareness of safeguarding issues and new responsibilities for responding to concerns is generating significant pressures and capacity issues.

### **Sustainability and Climate Change Implications**

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

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

9. The Social Services and Wellbeing (Wales) Act 2014 came into force in April 2016. This is a wide ranging Act. It is intended to reform Social Services law:
  - to make provision about improving the wellbeing outcomes for people who need care and support and carers who need support.
  - makes provision about co-operation in Partnership by public Authorities with a view to improving the wellbeing of people.

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. This includes the Human Rights Act, the United Nations Convention on the rights of the child, The Children Act 1989, The Children Act and Education Acts.
11. The duties imposed on a Local Authority are to safeguard and protect children from harm, to make investigations into circumstances in which they may arise, 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 deals with this. Included in the legislation is a requirement for the Local Authority to investigate when they suspect an adult with care and support needs is at risk of abuse or neglect and a new adult – the Adult Protection and Support Order to authorise 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 to duties to safeguard adults. In addition to legislation, there is guidance intended for Local Authorities and their relevant Partners in relation to safeguarding.
13. The Act provides the Safeguarding Board for adults and children and for combining such Boards. There are various regulation making powers granted to Welsh Ministers to underpin those parts of the Act applied to safeguarding of adults. When exercising functions under the Act in relation to adults who need care and support and carers will 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).
14. In light of the legislation currently in force, the All Wales Child Protection Procedures need to be reviewed/considered. ADSS Cymru has offered to commission one of the regional Safeguarding Boards to take the lead in reviewing the Wales Procedures for adults and children to take account of the Act. The Welsh Government has also tended the review of the Safeguarding Children and Young People from sexual exploitation (SCE) Statutory Guidance. The outcome of the review is for the successful contractor to provide recommendations to Welsh Government in relation to what changes, if any, are required to the Statutory Guidance (the definition of SCE) and Sexual Exploitation Risk Assessment Framework (SERAF).
15. Legislation requires Local Authority and Partner Agencies to make arrangements for ensuring the function to discharge having regard to the need to safeguard and promote the welfare of children.
16. The Act and codes of practice issued under the Act 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 to stop. Defined arrangements with other Officers within the Local Authority, particularly the Head of Adult Services and Head of Children Services must be clear in relation to delegation and reporting arrangements relating to safeguarding issues.

## **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.

## **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**

22. Healthy Living and Social Care, Learning and Culture and Corporate Performance and Resources Scrutiny Committees.

## **Background Papers**

The All Wales Child Protection Procedures (2008)

The Protection of Vulnerable Adults Procedures (2013)

## **Contact Officer**

Suzanne Clifton, Interim Head of Business Management and Innovation

## **Officers Consulted**

Corporate Safeguarding Group

## **Responsible Officer**

Philip Evans, Director of Social Services