

## 1. Introduction

### Policy Statement

#### 1.1. Our Duty of Care

The purpose of this document is to outline the procedures adopted by the Council to ensure the safety of children, young people and adults at risk in its care.

East Suffolk Council recognises that, whilst carrying out their normal duties, some members of staff, appointed volunteers, councillors and contractors are responsible for, or work with, children, young people and adults at risk (of abuse). In most instances, this is very rewarding and satisfying work and plays an important role in helping them to develop social and physical skills. However, working for or on behalf of a District Council implies trust and respect which can manifest itself as a child or adult at risk feeling comfortable enough to disclose an incident of previous abuse or make it easier for someone in a responsible position to abuse that trust.

The Council wants to be certain that all the services it provides to children and young people, adults at risk, their families, parents and carers are designed to ensure that they are treated with respect and kept safe from harm. This document is designed to help employees and volunteers to fulfil this aim and set out procedures to cover the recruitment policy, standards of service and means of reporting concerns.

It is intended that all employees, volunteers and councillors working with children, young people and adults at risk, their families, parents and carers will receive appropriate training to assist them:

- to recognise abuse
- to adopt sensible and robust working practices
- to know what to do if they have a concern, including how to make a safeguarding referral

For the purposes of this policy, as in the Children Acts 1989 and 2004, a **child** is defined as anyone who has not yet reached their 18<sup>th</sup> birthday.

An **adult at risk** would be defined as a person aged 18 or over who is or may be in need of Community Care services by reason of mental health or other disability, age or illness, and who is or may be unable to take care of him or herself or unable to protect him or herself from harm or exploitation

Safeguarding is the term that describes the function of protecting children and adults from potential abuse or neglect.

**This is the Safeguarding Children, Young People and Adults at Risk Policy and Procedures to be used by all East Suffolk Council employees, volunteers, and councillors, to also include partners and contractors working on the Council's behalf. It is the responsibility of all employees to fully understand and implement the procedures.**

**It is supplemented by the Council's Whistleblowing and Equal Opportunities Policies and essential reading as detailed in references at the back of the Policy.**

**This policy is subject to an annual review and will be disseminated to staff through the staff intranet and training as appropriate.**

## **1.2. Principles**

The Council recognises that:

- The welfare of children, young people and adults at risk, their families, parents and carers is the primary concern
- All children, young people and adults at risk whatever their age, ability, culture, disability, gender, language, racial origin, religious belief and/or sexual identity have equal rights to protection from abuse
- It is the responsibility of the relevant statutory agencies to determine whether or not abuse has taken place but it is everyone's responsibility to report any concerns
- All incidents of suspicious poor practice and allegations should be taken seriously and responded to swiftly and appropriately.

## **1.3. The Council's Role and Responsibilities:**

- To accept the moral and legal responsibility to implement relevant procedures, to provide a duty of care for children, young people and adults at risk, to safeguard their wellbeing and to protect them from abuse
- To respect and promote the rights, wishes and feelings of children, young people and adults at risk and celebrate their results and achievements
- It is a shared multi agency responsibility to determine whether or not abuse has taken place, **but** it is everyone's responsibility to report any concerns
- To ensure that employees adopt and abide by this Safeguarding Children, Young People and Adults at Risk Policy and Good Practice Guidelines (at induction) and understand their responsibilities therein
- To respond to allegations appropriately and implement the appropriate disciplinary and appeals procedures
- To monitor and evaluate the policy annually or in the light of any changes to the Council or any significant incident or any changes to government legislation and guidance
- To ensure that all contractors/partners working with the Council meet the safeguarding standards expected by the Council. Safeguarding compliance will be monitored by the officer responsible for the contract.

Responsibilities of staff and Councillors:

- To fully understand and implement the processes and procedures within this policy.
- To share and report concerns

#### **1.4. Areas of Specific Responsibility**

Listed below are some services which have a more direct relationship with children, young people, adults at risk and their families. However, any protection concerns may be raised, and referrals made by members of any team which come into contact with these groups via home visits or in a public space. In the event of a safeguarding investigation the council may be involved in any enquiry if there has been involvement in any aspect of service provision to the child, adult or family involved.

The Head of Communities holds the key role of responsibility for the Council, the Strategic Designated Lead, championing the importance of safeguarding and promoting the welfare of children, young people and adults at risk. They also ensure attendance at appropriate regional and county multi agency meetings.

The role of the operational lead is currently undertaken by the Learning and Development Partner in the HR Team. Their duties include the day-to-day compliance with the policy and procedures, and attendance at local and regional safeguarding groups.

The “Services for All Group” includes representatives from all council services and maintains an overview of safeguarding to monitor and ensure ongoing compliance throughout the Council.

##### **1.4.1. Housing**

Teams within the Housing Service at the Council are very often the first point of contact with vulnerable families and, as such, over the years they have amassed a wealth of experience in recognising potential safeguarding issues. They have a sound track-record of making referrals to the appropriate agencies and flagging up any issues of concern about families or individual children. The Housing Needs team works closely with households presenting as homeless or threatened with homelessness and actively support adults at risk and their families to ensure their housing needs are addressed, but also to ensure any safeguarding concerns are reported to relevant agencies. The Tenancy Services Team at East Suffolk takes a proactive role in engaging with Council tenants and their families on a daily basis across the whole of the district. There is contact with the children of tenants and young people through visits to properties, or estate visits and inspections. Housing teams work with statutory and voluntary agencies to address any issues arising, with the aim of supporting and enforcing acceptable behaviour and minimising breaches of tenancy obligations. Appropriate support can then be directed as necessary.

##### **1.4.2. Communities**

The Communities team overall is split into several sub teams, all of which have different levels of interaction with young people and adults at risk.

###### **Communities Officers**

Communities Officers support and enable community projects around health and wellbeing, ASB and community safety. These projects are often aimed at young people, or adults with risk

factors such as poor mental or physical health, or old age. While the team primarily plays an enabling role, they do come into contact with children and adults at risk and so are trained on recognising the signs of abuse and making safeguarding referrals. They also ensure that the organisations they support who actually deliver community projects do so while following good safeguarding practice and will highlight poor practice both to the organisations themselves and to team management.

### **Community Help Officers**

Community Help Officers work primarily in the field providing direct support to vulnerable people. They regularly interact with adults at risk of abuse due to poor mental and physical health and assist the Police with activity around potential victims of modern slavery. They have significant experience in safeguarding and make regular safeguarding referrals, alongside referrals to other agencies for additional support.

### **Financial Inclusion Officers**

Financial Inclusion Officers work closely with referred customers who need help with money: debt relief, benefit checks, budgeting and more. They receive significant information about each customer's financial and personal situation. While the majority of their appointments are over the phone or online, they do conduct house visits. They have received safeguarding training and are aware of the signs of abuse, particularly but not limited to financial abuse, and are aware of safeguarding policies and reporting routes.

### **Areas of activity**

As well as the above, the Communities team encompasses a broad range of activity, some of which is specifically focused in areas more likely to highlight safeguarding concerns.

### **Young people**

The Communities team is responsible for, or involved in, a significant amount of activity aimed at children and young people. This includes Youth Voice, which captures the views of young people across East Suffolk and feeds these into decision makers including our eight Community Partnerships, the Waveney Youth Forum and others. The Communities team works *with* young people, focusing on understanding their needs to drive greater levels of engagement and involvement. This means that they do receive feedback from young people about their needs and aspirations. The team is trained on safeguarding and spotting the signs of abuse and will highlight any concerns they have based on the information they are receiving from young people

### **Anti-social behaviour**

Some of the team's involvement with the target groups is through work around Anti-Social Behaviour. The team works in partnership to provide a coherent inter-agency approach to the anti-social activities of all sectors of society, including people under the age of 18. Our work around ASB is overseen by the East Suffolk Community Safety Partnership which includes representatives from Suffolk Police, The Youth Offending Service, and Social Services who make collective decisions affecting clients under 18 years, whether they are the victims or perpetrators of the behaviour in question. (See 1.4.4 below). In working on anti-social behaviour cases, the team also come into contact with vulnerable adults and all are trained to

spot the signs of abuse and to make safeguarding referrals and referrals for support to other agencies.

### 1.4.3.Licensing

Virtually all of the legislation where the team has an administration, or an enforcement role makes reference to children and their well-being or safety. In particular, the Licensing Act 2003 has as one of its four objectives, “the protection of children from harm” and, whilst the police act as the responsible authority in these matters, the team report any concerns to the appropriate person or organisation.

The Gambling Act 2005 again makes reference to children in the third of its licensing objectives namely “protecting children and other vulnerable persons from being harmed or exploited by gambling” again the team will pass on any concerns of which they become aware to the relevant person or organisation.

All of the drivers who apply to become licensed Hackney or Private Hire Drivers must supply a satisfactory enhanced Disclosure and Barring Service check and undertake a two-day college course which provides comprehensive training on the safeguarding of children, young people and adults at risk. Existing licensed drivers have to undertake a half day course on safeguarding before their licence is renewed. There is an appropriate system in place to deal with drivers who are convicted of any offences during the term of their licence.

Appropriate members of the teams will receive training, as deemed necessary according to the way in which the service is delivered.

### 1.4.4.Environmental Services

The extent and nature of the involvement of this service with children, young people and adults at risk of abuse varies greatly. They may be victims or perpetrators.

**As victims:** discharging the Council’s responsibilities with regard to Environmental Health may bring council employees into contact with situations where they become aware of potential safeguarding issues involving children and young people. Officers employed in these roles undertake training regularly to ensure they are able to recognise those situations and react appropriately, escalating matters where necessary to go through the appropriate channels.

**As perpetrators:** The Council’s activities may occasionally have a more direct effect on people under 18 years of age. Certain criminal sanctions may, in law, be applied to children as young as 10 years old. In general, government guidance recommends consultation with the Youth Offending Service and the Police to agree special procedures to be adopted in such cases. These are necessary to ensure compliance with legal duties regarding the safety and welfare of children under the Children Act 2004. We fulfil this requirement by referring all matters relating to people under the age of 18 to the Anti-Social Behaviour Unit, who maintain links with the police, youth offending service and other agencies. This enables us to discuss individual cases with agencies relevant to the specific circumstances and establish what type of action might be reasonable, fair, proportionate and appropriate in each individual case. The Council’s enforcement policies reflect this approach.

### 1.4.5. Customer Services

The East Suffolk Customer Services team has contact with members of the public mainly by telephone, but also face to face and by email. The team often serves as the initial point of contact for customers, taking case details from often vulnerable customers in need of assistance with housing or benefits or who are experiencing issues around anti-social behaviour. Customer Services generally operate as a referral partner, identifying pathways onwards for customers to other departments who will help with the issue they're facing. However, during initial contact, safeguarding concerns can be flagged up and Customer Services staff are trained to follow safeguarding referral procedures.

### **1.5. Working in Partnership with Others**

The Council will work in partnership with a range of organisations and the council expects them to have appropriate safeguarding policies in place.

Organisations which receive grant aid or are contracted by the council to provide a service and work with vulnerable people will be expected to have an appropriate safeguarding policy in place. Their staff and volunteers must also receive appropriate safeguarding training. The council will ask to see a copy of the relevant policy before funding is awarded.

Volunteers who work with vulnerable people and who are carrying out regulated activities on behalf of the council will be subject to a DBS check and provided with training and support.

All major contracts will be monitored by the council. All major contractors will be required to have an annual safeguarding compliance meeting with an appropriate officer representing the council.

## **2. THE LEGAL FRAMEWORK**

Everyone who works with children, young people and adults at risk needs to be aware of the government legislation and guidance that aims to protect these vulnerable groups. Details of the following acts are included in Appendix A:

- The Children Act 1989
- The Protection of Children Act 1999
- The Children Act 2004 – Section 11 Statutory Guidance
- The Care Act 2014 – Protecting Adults from Abuse or Neglect
- The Mental Capacity Act 2005
- The Children and Social Care Work Act 2017

### **2.1. Other Documentation**

The Council will also ensure that its policy and procedures follow the guidance given in relevant Government and Safeguarding Partnership documents, including:

- [Working Together to Safeguard children – a guide \(2018\)](#)
- [What to do if you're worried a child is being abused \(2015\)](#)

## **3. RECRUITMENT AND SELECTION**

The following rigorous arrangements apply to all posts where an employee, member or volunteer will be working with children or adults at risk in an unsupervised manner, or who are responsible for recruiting to such posts.

**Where any of the following procedures have not been completed, an employee, member or volunteer working with children must be restricted such that, at all times, they are supervised by someone who has had an enhanced check.**

Staff recruited prior to the establishment of the DBS (and CRB) have all since been checked.

### **3.1. Recruitment Information**

When a post is to be advertised, the manager must make it clear to Human Resources on the Request for Resources form if this post has unsupervised access to children, young people or adults at risk to ensure that the proper checks are made (the Rehabilitation of Offenders Act 1974 allows for disclosure of all criminal convictions for such posts).

The recruitment information will make it clear where applicants must declare all criminal convictions (not just unspent convictions) and that checks will be made on their suitability to work with children or vulnerable adults which will include written references and a Disclosure and Barring Service (DBS) check at the appropriate level.

### **3.2. Disclosure and Barring Service**

The Council's Human Resources Team will conduct the required checks with the DBS prior to the commencement of employment. These will be conducted for any new member of staff whose post requires a check unless the member of staff has registered with the DBS Update Service in which case an online check can be made on their current status. Checks will also be made for volunteers – someone who is engaged in an activity on behalf of the council and is unpaid. These checks are free of charge.

If the DBS check discloses any information about previous convictions, offences, etc., the HR Team will contact the Line Manager and together will assess the relevance of this information to the successful performance of the post and will make a recruitment decision. It is important to note that the Council will not discriminate unfairly against the applicant on the basis of information derived from a disclosure. Only those offences that are relevant to the role will be considered in assessing an individual's suitability for the post. The existence of a criminal record will not automatically render an applicant unsuitable. However, the safety of vulnerable individuals is paramount and offences involving drugs, sex, violence or dishonesty will be examined very seriously.

**If the DBS check does not disclose any information the Line Manager will be informed that the individual has been cleared to commence employment. Work should not be undertaken until a satisfactory check has been completed. However, it is recognised that occasionally it may be necessary for this to occur. DBS disclosures will be in line with the Council's Policy.**

### **3.3. Applications**

All staff who will have unsupervised access to children, young people or adults at risk must complete, in full, a Council job application form, including full personal details. This must show information about all past employment and relevant voluntary work and detail gaps in employment.

### **3.4. Interview**

All interviews will be carried out according to standard procedures and by fully trained staff using standard templates.

All interviews will be carried out according to the guidance in the [Safeguarding Partnership Key Employment Standards](#). The general principles include:

- A minimum of two interviewers
- Interviews must always be held face to face where possible
- Comprehensive notes taken
- Interviews to explore issues specific to safeguarding including probing and exploring any gaps in employment history.

Values based (Warner) interview questions will be used as appropriate. Details of what these entail and when they should be used are included in the above employment standards.

### **3.5. References**

Two written references must always be obtained. These should include the applicant's most recent employer plus the most recent organisation/person for whom the applicant provided services involving access to children and/or adults at risk. References must always be provided on the standard Reference Form or on headed/company stamped paper. "To whom it may concern" references will not be accepted.

The reference request must make it clear that this person is applying for a job with unsupervised access to children and/or adults at risk of abuse (or that they will be recruiting people to work with these groups) and ask the referee if there is any known reason why the person should not be employed in such a capacity. If there is any doubt about the written response, the referee should be contacted by phone and asked the same question. Full notes must be made of any oral response, signed and dated by the person requesting the information. The Human Resources Team will conduct this procedure.

### **3.6. Offer of employment (paid or unpaid)**

Any offer of employment must be subject to receipt of references and checks that are satisfactory to the Council.

If the manager wants the person to start work before the results of the above checks have been received, the employee or volunteer must be told that their duties will be restricted to accompanied access to children and/or adults at risk until satisfactory responses to the checks have been received, when their employment will be confirmed. Obviously, if the checks are unsatisfactory, employment will be terminated.

Checks should also be made at this stage as to what safeguarding training the employee has received in the past and at what level. This will determine the urgency of the need for training in the new role.

### **3.7. Data Protection and Confidentiality**



Data Protection principles must be followed. This means that: -

- The information sought must be adequate, relevant to the purpose and not excessive.
- It must be fairly and lawfully processed.
- DBS checks must only be made once it has been decided to offer the person the post (*Note: Candidates attending interview may be willing to give their permission for such checks to be made if they are successful, but DBS checks should only be conducted in respect of the successful person.*)
- The information must not be retained for longer than necessary (Note: The DBS guidelines say 6 months after such time all documentation must be destroyed. A note may then be held on the personal file stating which checks were conducted, the date and that they were satisfactory.)
- The information must be kept confidential and accessed only by those who need to know.
- All media enquires will be handled by the Council's Communications Manager.
- The information must not be transferred to other people without the person's permission unless required by a statutory body with the authority to request it.

**The Council fully endorses the principle that the welfare of children, young people and adults at risk overrides the obligations of confidence held to others**

#### **4. INDUCTION AND TRAINING**

##### **4.1. Induction**

All staff and volunteers who work with children, young people and adults at risk should receive clear induction and training in recognising and understanding possible signs of abuse and know what steps need to be taken to provide protection. This is in accordance with the guidance "[Competence Does Matter: Safeguarding Training for all Employees and Volunteers 2019](#)". All training will include guidance on all relevant procedures in treating all vulnerable groups with respect.

Induction training will be in the form of an e-learning module and supplemented by guidance from line managers on specific team procedures. All staff and volunteers will be directed to the [safeguarding area](#) on the Intranet for further advice.

##### **4.2. Further Training**

Further approved training will be given according to job roles at the appropriate levels.

#### **5. PROTECTING STAFF AND CHILDREN**

##### **5.1. Good Practice Guidelines**

These guidelines provide good practice advice for staff, volunteers and councillors working with children, young people and adults at risk.

All staff should be encouraged to demonstrate exemplary behaviour in order to protect themselves from possible allegations. Common sense examples of how to create a positive

culture and climate are included in Appendix B. Also included in this appendix are examples of practice to be avoided, practice never to be sanctioned and incidents requiring immediate reporting.

For those staff experiencing abuse, whether outside or inside of the workplace, support measures will be put in place that could include counselling and signposting to appropriate support vehicles.

## **5.2. Specific Guidance for Managers providing Work Experience Placements and employment under the age of 18**

All managers offering work experience or employment to those under 18 years of age should be familiar with the contents of these safeguarding guidance notes.

Where activities described in Appendix B (e.g., time alone with the student or employee or providing a lift in your car) are necessary for the provision of genuine work experience, the following steps should be followed:

- A full risk assessment for the placement should be completed by the placement supervisor and copied to the school and to HR. A template is usually provided by the school. Advice on completing the risk assessment can be gained from HR.
- HR will contact the school or work experience co-ordinator to gain confirmation of the parent's written consent to the student undertaking such activities.
- The supervisor and any other member of staff who will have unsupervised access to a student should complete the Work Experience Disclosure form and return to the HR Team. This can be found [here](#).

## **5.3. Code of Ethics and Conduct**

The Government produced *Caring for the Young and Vulnerable? Guidance for preventing abuse of trust*, 1999. The guidance is based on the principle that all organisations involved with caring for young people or adults at risk should have codes of conduct to protect against sexual activity within relationships of trust.

On appointment staff are required to sign up to the Employees' Code of Conduct. The Code encourages:

- the development of an open and positive environment
- poor practice to be identified
- investigations to be carried out
- disciplinary action to be taken if appropriate.

## **6. SHARING YOUR CONCERNS IF YOU SUSPECT POSSIBLE ABUSE**

### **6.1. Duty to refer**

Staff may become aware of suspected or likely abuse by: -

- Their own observations or concerns.

- Being told by another person that they have concerns about a child or adult at risk.
- The child or adult tells them, either verbally or through play or behaviour.
- The abuser tells them.

Even if there is not direct contact with the child, young person or adult at risk, staff may become concerned because of difficulties experienced by the other adults in the relationship, e.g.

- Domestic Violence incidents
- Mental Health issues
- Substance and Alcohol abuse incidents

Although staff may be unsure as to whether to share or refer their concern, there is a duty on staff to respond to all concerns about children or adults at risk where they may be at risk of significant harm. Guidance on recognising signs of abuse in children, young people and adults at risk can be found in Appendix C. Details of other safeguarding issues that staff need to be aware of as they go about their duties are included in Appendix D.

If in doubt, guidance on the most appropriate and effective way of providing or obtaining help can be through the MASH professional consultation line, information can be found here [Multi-Agency Safeguarding Hub \(MASH\) » Suffolk Safeguarding Partnership \(suffolksp.org.uk\)](https://www.suffolksp.org.uk)

## 6.2. Confidentiality

Sometimes, it is only when information from several sources has been shared and combined that it becomes clear that a child is at risk. Personal information about children, adults at risk and their families will usually be confidential and should not be disclosed to a third party without the consent of the subject. **However, the law allows for the disclosure of confidential information where this is necessary to safeguard a child or children in the public interest. Advice for sharing information specifically for practitioners involved in safeguarding can be found [here](#).**

Disclosure of confidential information must be justifiable in each case, according to the particular facts of the case and must be limited to those people who need to know in order to take appropriate action.

### Supervision and support for staff

All staff reporting concerns will be supported by an appropriate individual to help deal with any significant emotional demands they may face. Confidentiality will be maintained, and information only shared with appropriate people or agencies.

## 6.3. Referral Procedures

If appropriate:

1. Make a careful note of the injuries or behaviours which have caused concern.
2. Listen carefully to anything the child or adult tells you. If you have observed an injury, you may ask how the injury happened. You may also want to repeat back to the person what they have said to ensure that you have understood correctly. You should encourage the person to explain their distress without pressuring them to discuss or disclose more than

they want, need or are able to; you might want to inform them of their right to talk to an independent person, for example social services, about any possible abuse. This is of particular importance where the allegation concerns a council employee.

3. Never promise confidentiality, instead tell the child, young person or adult at risk that you may have to pass on information they disclose. However, you should reassure the person that they have done the right thing in telling someone and that the events they describe are not their fault.
4. Remember, your role is to note and pass information on accurately, not to conduct the early stages of an investigation.
5. If there is still concern, e.g., if the explanation for an injury is inconsistent with the signs you have observed, make a careful note of what you have heard and observed, sign, date it and note the time
6. If your concern has arisen from something you have observed, you should in the ideal scenario obtain consent to make a referral from the child or young person's parent(s) or carer(s) or the adult's carer. However, if you feel that this may put the child, young person or adult in danger, it can be made without.
7. If necessary, you should discuss your concerns with one of the following – contact via MS teams or email

Name	Contact
Alex Heys	<a href="mailto:Alex.heys@eastsoffolk.gov.uk">Alex.heys@eastsoffolk.gov.uk</a>
Samantha Shimmon	<a href="mailto:Samantha.shimmon@eastsoffolk.gov.uk">Samantha.shimmon@eastsoffolk.gov.uk</a>
Fern Lincoln	Fern.lincoln@eastsoffolk.gov.uk

If you cannot get hold of any of these people, it is still important that the referral is made. You can ask advice about making a safeguarding referral by calling the MASH professional consultation line on 0345 6061499, this operates Mon-Fri 9-5. You can complete a multi agency referral form using the Suffolk Children and Young People's Portal/Suffolk Adult Care Portal [Concerned? » Suffolk Safeguarding Partnership \(suffolksp.org.uk\)](https://www.suffolksp.org.uk) – this enables you to send information securely to the MASH (Multi-agency safeguarding hub).

If you are unable to access the portal, you can telephone Customer First on 0800 808 4005. **If the matter is urgent because a child, young person or vulnerable adult is in immediate danger, phone 999.**

If you are concerned an adult is at significant risk of harm due to self-neglect or hoarding please see the referral information on the dedicated [Self-Neglect and Hoarding page](#). The form can be found on this page or [here](#).

Following all referrals please complete an [internal DASH form](#) to enable records to be maintained about all referrals by East Suffolk Council.

The Council will only keep records of the safeguarding referrals it makes to the MASH for six months, if no further investigation is required. Thereafter they will be deleted.

Where an employee, volunteer or councillor is dissatisfied with how a professional in a partner agency has dealt with their concerns, they may raise these by using [the Suffolk Safeguarding Partnership Escalation Policy](#).

The first step when considering escalating concerns should be to discuss the matter with the Council's designated Safeguarding Officers. However, the first key principle in any dispute should be that it is everyone's professional responsibility to problem solve and come to an agreed resolution at the earliest opportunity, always keeping in mind the child's or adult at risk's safety and welfare.

## **7. HANDLING COMPLAINTS/ALLEGATIONS OF ABUSE BY A COUNCIL EMPLOYEE**

Any allegation or complaint about a Council employee or volunteer that involves possible harm to a child or adult at risk where this is related to the employee's work, must be reported immediately to Human Resources (within 24 hours maximum) and the employee's Head of Service or other senior manager. It is essential that any allegation of abuse made against a person who works with children, young people and/or adults at risk, including those who work in a voluntary capacity are dealt with fairly, quickly and consistently in a way that provides effective protection for the subject and at the same time supports the person who is the subject of the allegation.

In such cases, if staff are given the information in confidence, they must explain to the person that they have no choice but to report what they have been told.

Any manager who is made aware of such an allegation or complaint must not start their own enquiries but should follow similar guidelines to those provided under section 7 above, recording what they know and passing the information on to Human Resources immediately, followed by a written report. The Local Authority Designated Officer (LADO - see contact details below) must be informed within one working day, to determine the next appropriate step. This should be through the [LADO Referral form](#). Details of the role of the LADO can be found [here](#).

The employee or volunteer may need to be suspended from work whilst the matter is investigated and if their role involves contact with children, young people and adults at risk this is likely to be the case. However, this will not be automatic and will take into account the relevant circumstances and outcome of any possible strategy discussion with the LADO. In some cases, it may be sufficient to ensure that the employee or volunteer does not have unsupervised access to children or adults at risk. In all cases the person who is the subject of the investigation should be kept informed of the progress of the case and supported appropriately. Every effort should be made to keep the details confidential and to guard against any publicity whilst the allegation is being investigated.

Social Care (and/or the Police) will be informed and the procedures for managing allegations against people who work with children or adults at risk or are in a position of trust will be followed. Any internal investigation or action will not commence until this can be done without prejudicing their proper procedures - (where internal procedures are underway and a child protection issue comes to light, the internal procedures may be suspended pending Social Services/Police action). It is also helpful to share information about the alleged

employee/volunteer(s) and any other possible employment/activities they may be involved in with children, e.g., coaching.

The contact details for the Local Authority Designated Officers are:

Tel: 0300 123 2044 Email: LADO@suffolk.gov.uk

## REFERENCES

Children Act 1989/2004

The Care Act 2014

Protection of Children Act 1999

Suffolk Safeguarding Children Partnership's Policies and Procedures for the Protection of Children  
Safe From Harm

*A Code of Practice for Safeguarding the Welfare of Children in Voluntary Organisations in England  
and Wales*

Home Office London 1993

[Working Together to Safeguard Children – a Guide \(2018\)](#)

## ESSENTIAL READING

[What To Do if You're Worried a Child is Being Abused Children's Services Guidelines 2015](#)

Children Act 2004

Licensing Act 2003

Sexual Offences Act 2003

Gambling Act 2005

Safeguarding Vulnerable Groups Act 2006

## Web Sites

[www.suffolksp.org.uk](http://www.suffolksp.org.uk)

[www.suffolkas.org](http://www.suffolkas.org)

[www.doh.gov.uk](http://www.doh.gov.uk)

[www.dfes.gov.uk](http://www.dfes.gov.uk)

[www.homeoffice.gov.uk](http://www.homeoffice.gov.uk)

[www.eastsuffolk.gov.uk](http://www.eastsuffolk.gov.uk)

## THE LEGAL FRAMEWORK

### The Children Act 1989

The Children Act 1989 provides Local Authorities (social services departments) and others with powers and duties to protect children whilst at the same time providing safeguards for both children and parents against excessive or unwarranted intervention.

There are a number of general principles, which need to be borne in mind when considering any part of the legal framework. The child's welfare is of paramount importance.

Under section 47 of the Children Act, a Local Authority must make enquiries regarding a child's welfare where:

- they are informed that a child who may be considered at risk who lives or is found in the area is
  - a) The subject of an Emergency Protection Order, or
  - b) In police protection, or
- the Council has reasonable cause to suspect that a child living or found in their area is suffering or likely to suffer significant harm.

The enquiries will enable the Local Authority to decide whether they should take any specific action to safeguard and/or promote the child's welfare.

All investigations will be carried out by Children's Social Care and the Police where necessary and will be in accordance with [the Suffolk Safeguarding Partnership's](#) guidelines. For this reason, if you become aware of something that may need further investigation, do not attempt to investigate the matter yourself.

### The Protection of Children Act 1999

The Protection of Children Act 1999 has four principal objectives:

- To place the previous Department of Health's Consultancy Index (a list of people who are considered to be unsuitable to work with children) on a statutory basis and to require certain childcare organisations to refer the names of anyone considered unsuitable to work with children for inclusion on the new list (called the Protection of Children Act List)
- To provide rights of appeal against the Protection of Children Act List and the Department for Education and Skills List 99
- To require regulated childcare organisations to check the names of anyone they propose to employ in posts involving regular contact with children against both Departmental lists and not to employ them if they are listed.
- To allow the Disclosure and Barring Service to act as a central Access point for criminal records information and the above two lists.



## **The Children Act 2004 – Section 11 Statutory Guidance**

Statutory guidance on making arrangements to safeguard and promote the welfare of children came into force on 1 October 2005. It details how the Council already contribute to the lives of children and young people and what is expected of them, including:

- Senior Management commitment to the importance of safeguarding and promoting well-being
- A clear statement of the Council's responsibilities towards children, made available to all staff
- Clear lines of accountability for work on safeguarding and promoting well-being
- Using safe recruitment procedures for those coming into contact with children and young people
- Providing appropriate training for all staff and councillors
- Effective working relationships within the council and with other agencies to safeguard and promote well-being and to share information effectively

## **The Care Act 2014 – Protecting Adults from Abuse or Neglect**

An adult at risk is defined as a person over 18 years who is or may be in need of community care services by reason of mental illness, physical, learning or other disability, age or illness, and who is permanently or for the time being unable to take care of him or herself, or unable to protect him or herself against harm or exploitation.

This act, for the first time, sets out a clear framework for how local authorities and other parts of the health and care system should protect adults at risk of abuse or neglect.

The Act has a number of key requirements:

- For local authorities to set up a Safeguarding Adults Board (SAB). This board will be responsible for arranging Serious Case Reviews as necessary. The SAB operates at a Suffolk level.
- To make enquiries or to ask others to make enquiries when they think an adult with care or support needs may be at risk of abuse or neglect in their area and to find out what, if any, action may be needed
- To ensure that if the SAB requests information from the Council, they must share what they know with the SAB.

## **The Mental Capacity Act 2005**

The Mental Capacity Act's primary purpose is to provide a legal framework for acting and making decisions on behalf of adults **and young people from the age of 16** who lack the capacity to make particular decisions for themselves. There are 5 key principles that underpin any actions/decisions made taken in relation to the act:

- A presumption of capacity - every adult has the right to make his or her own decisions and must be assumed to have capacity to do so unless it is proved otherwise.

- Individuals being supported to make their own decisions - a person must be given all practicable help before anyone treats them as not being able to make their own decisions.
- Unwise decisions – people have the right to make what some may term unwise decisions. You cannot treat someone as lacking capacity for this reason.
- Best interests – anything done for or on behalf of a person who lacks mental capacity must be done in their best interest.
- Less restrictive option – any intervention should be weighed up on the particular circumstances of the case and wherever possible the least restrictive option should be taken (or indeed no intervention at all).

### **The Children and Social Care Work Act 2017**

in accordance with this Act, Councils working together across Suffolk deliver the corporate parenting principles. Corporate Parenting is where Local Authorities have a legal duty to support care leavers making the transition from care into adulthood. Local authorities have a responsibility to ensure that young people know what services are available to care leavers. The act improves support for looked after children and care leavers, promotes the welfare and safeguarding of children and makes provisions about the regulation of social workers. Information is available on the support for care leavers being offered by Suffolk County Council.

**PROTECTING STAFF AND CHILDREN - GOOD PRACTICE GUIDELINES:**

**Good practice means:**

- always working in an open environment (e.g., avoiding private or unobserved situations and encouraging an open relationship (e.g., no secrets);
- treating all children, young people and adults at risk of abuse fairly, and with respect and dignity.
- always putting the welfare of each child, young person or adult at risk first.
- maintaining a safe and appropriate distance with children, young people and adults at risk of abuse you come into contact with.
- building balanced relationships based on mutual trust which empowers children, young people and adults at risk to share in the decision-making process.
- making activities fun and enjoyable and promoting fair play.
- ensuring that if any form of physical contact is required, it should be provided openly. The child, young person or adult at risk should always be consulted and their agreement gained.
- keeping up to date with the technical skills, qualifications and insurance required.
- involving parents/carers wherever possible (e.g., in decisions about work experience). If parents/carers are not present, staff should always work with at least one co-worker.
- ensuring that if mixed groups are taken away, a male and female member of staff always accompany them. (NB - however, it is important to recognise that same gender abuse can also occur.)
- being an excellent role model – this includes not smoking or drinking alcohol in the company of children and young people.
- giving enthusiastic and constructive feedback rather than negative criticism
- recognising the developmental needs and capacity of children, young people and adults at risk of abuse.
- securing written parental consent if staff are required to transport children, young people or adults at risk of abuse in their cars.
- securing parental consent in writing to act in the parent or carer's place if the need arises to give permission for the administration of emergency first aid and/or other medical treatment.

Where pictures/photos are taken parental permission must be gained.

**Practice to be avoided**

The following should be **avoided** except in emergencies. If cases arise where these situations are unavoidable, they should only occur with the full knowledge and consent of someone in charge in the organisation or the child or young person's parents or the carer of the adult at

risk. For example, a child sustains an injury and needs to go to hospital, or a parent fails to arrive to pick a child up at the end of a session:

- avoid spending excessive amounts of time alone with children, young people or adult at risk, away from others.
- avoid taking children, young people or adults at risk to your home where they will be alone with you
- avoid giving children, young people or adults at risk lifts in your car, especially alone.

### **Practice never to be sanctioned**

The following should **never** be sanctioned:

- engagement in rough, physical or sexually provocative games, including horseplay or those requiring extended physical contact.
- being alone in a room with a child, young person or adult at risk.
- allowing or engaging in any form of inappropriate touching.
- making sexually suggestive comments to a child, young person or adult at risk, even in fun.
- humiliating, putting down or degrading a child, young person or adult at risk as a form of control.
- allowing allegations made by a child, young person or adult at risk to go unchallenged, unrecorded or not acted upon.
- doing things of a personal nature for children, young people or adults at risk that they can do for themselves.
- inviting or allowing children, young people or adults at risk to stay with you at your home unsupervised.

### **Incidents requiring Immediate Reporting**

If any of the following incidents should occur, staff/councillors should report them immediately to another colleague and make a written note of the event. Parents or carers should also be informed of the incident:

- if the staff/councillor accidentally hurts a child, young person or adult at risk.
- if a child, young person or adult at risk in the care of a member of staff or councillor seems distressed in any manner.
- if an individual appears to be sexually aroused by the actions of a member of staff or councillor; or
- if an individual misunderstands or misinterprets something the member of staff or councillor has done.

**RECOGNISING SIGNS OF ABUSE IN CHILDREN**

The first indication that a child is being abused is not necessarily the presence of a severe injury. Concerns that a child is being abused may be raised by the signs of bruises or marks on a child's body or by remarks made by a child, his/her parents or friends, or the observation of a child's behaviour or reactions, from an awareness that a family is under stress and may need help with caring for the children or from a number of other factors.

**Physical**

Physical abuse may involve hitting, shaking, throwing, poisoning, burning or scalding, drowning, suffocating or otherwise causing significant harm to a child. Physical harm may also be caused when a parent fabricates the symptoms of, or deliberately induces illness in a child

**Emotional**

Emotional abuse is the persistent emotional ill treatment of a child such as to cause severe and persistent adverse effects on the child's emotional development. It may involve conveying to the child(ren) that they are worthless or unloved, inadequate, or valued only insofar as they meet the needs of another person. It may feature age or developmentally inappropriate expectations being imposed on children. These may include interactions that are beyond the child's capability, as well as overprotection and limitation of exploration or learning, or preventing the child participating in normal social interaction. It may involve seeing or hearing the ill-treatment of another. It may involve serious bullying causing children frequently to feel frightened or in danger, or the exploitation or corruption of children. Some level of emotional abuse is involved in all types of maltreatment of a child, though it may occur alone.

**Sexual**

Sexual abuse involves forcing a child or young person to take part in sexual activities, including prostitution, whether or not the child is aware of what is happening, the activities may involve physical contact, including penetrative (e.g., rape, buggery or oral sex) or non-penetrative acts. They may also include non-contact activities, such as involving children looking at, or in the production of pornographic material; or watching sexual activities or encouraging children to behave in sexually inappropriate ways.

**Neglect**

Neglect is the persistent failure to meet a child's basic and/or psychological needs, likely to result in the serious impairment of the child's health or development. Neglect may occur in pregnancy as a result of maternal substance abuse. Once a child is born, neglect may involve a parent or carer failing to provide adequate food and clothing, shelter (including exclusion from home or abandonment), failing to protect a child from physical harm or danger, failure to ensure adequate supervision including the use of inadequate caretakers, or the failure to ensure access to appropriate medical care or treatment. It may also include neglect of, or unresponsiveness to, a child's basic emotional needs.

## **RECOGNISING SIGNS OF ABUSE IN ADULTS**

### **Physical**

Similarly, to physical abuse against children and young people, this may include any unjustifiable physical discomfort such as pushing, shoving, pinching, slapping or punching. It may also involve withholding care or force feeding, or the application of inappropriate methods of restraint or physical intervention.

### **Neglect**

This would involve the withholding or failure to provide the support necessary for the adult to carry out the activities of daily living. This may include withholding food, care or service. Neglect may also include a failure to intervene in situations that are dangerous to the person concerned or others, particularly when the person lacks the mental capacity to assess risk.

### **Sexual**

This would include any form of sexual activity that the adult does not want and which they have not consented to (or do not have the capacity to consent to). Any sexual relationship that develops between adults where one is in a position of trust, power or authority in relation to the other would constitute abuse. Specific activities may include rape, buggery, incest, touching without consent or exposure.

### **Psychological**

This would include any behaviour which might lead to the adult's choices or opinions being negated. This could involve the use of intimidation, indifference, hostility, threats, humiliation, shouting, swearing or the use of discriminatory or oppressive language.

### **Financial**

This would involve the exploitation, inappropriate use or misuse of a person's financial resources or property. It could include withholding of money, online fraud and identity theft. "Silver Surfers" are particularly vulnerable to this due to their lack of internet awareness.

### **Discrimination**

This can be described as the intentional, wilful or unintentional abuse of a person based on their protected characteristic, for example, race, religion or gender.

### **Institutional**

This would involve abuse or mistreatment by an organisation or by any individual within a building where the person is living or receiving care. Possible signs may be the person having no personal clothing or possessions or frequent admissions to hospital. You may note instances of professionals having treated them badly or unsatisfactorily or acting in a way that causes harm to the person.

## **OTHER SAFEGUARDING ISSUES**

### **Child Sexual Exploitation and Trafficking**

Child sexual exploitation is a form of child sexual abuse. It occurs when an individual or group takes advantage of an imbalance of power to coerce, manipulate or deceive a child or young person under the age of 18 into sexual activity (a) in exchange for something the victim needs or wants, and/or (b) the financial advantage or increased status of the perpetrator or facilitator.

This can take place at any age, in any community and can affect boys as well as girls. However, the following groups are more vulnerable:

- Children in care
- Children leaving care
- Children with learning difficulties
- Young carers
- Children and young people living in poverty
- Children who go missing

Indicators of CSE that may be evident include:

- Regularly missing school or not taking part in education
- Having older boyfriends or girlfriends
- Drug and alcohol misuse

### **Modern Day Slavery**

The Council has a [Modern Day Slavery and Human Trafficking policy](#) which outlines our responsibilities in this area; our duty under section 43 of the Modern Slavery Act to co-operate with the Commissioner and a duty under section 52 to notify the Secretary of State if we develop reasonable grounds to believe that a person in our district may be a victim of slavery or human trafficking.

### **Forced Marriage**

This takes place when the bride, groom or both do not want to get married but are forced to by others – usually their families. They could be tricked into going abroad and may be emotionally or violently blackmailed.

### **Honour Based Violence**

Honour based violence is a crime or incident which has or may have been committed to protect or defend the honour of the family or community, often committed with some degree of approval and/or collusion by the family. Victims are often women (but not exclusively so).

### **Female Genital Mutilation (FGM)**

FGM is defined by the World Health Organisation as “all procedures that involve total or partial removal of the external female genitalia or other injury to the female genital organs for non-medical reasons”.

### **Children Missing from Education**

A child is missing from education if they are between 5 and 16 and do not have a formal school place or any alternative arrangements made about their education.

### **Private Fostering**

Private fostering takes place when a child under the age of 16 (or 18 if the child has a disability) lives with someone who is not a close relative (i.e., not their grandparents, aunt, uncle, brother, sister, cousin or step-parents) for 28 days or more unless that person has parental responsibility for them or is a local authority or agency foster carer. Under the Children Act 1989, private foster carers and those with parental responsibility are required to notify the local authority of their intention to privately foster or to have a child privately fostered, or where a child is privately fostered in an emergency.

### **Prevent and Vulnerable to Radicalisation**

Radicalisation is the process by which a person comes to support or be involved in extremist ideologies. It can result in a person being drawn into terrorism and is in itself a form of harm.

Prevent is the multi-agency set of arrangements aimed at preventing individuals and groups from engaging in violent extremism. Prevent is not aimed at suppressing freedom of thought and expression. Early indicators of extremism may include:

- Showing sympathy for extremist causes
- Glorifying violence
- Evidence of possessing illegal or extremist literature
- Advocating messages similar to illegal organisations such as “Muslims against Crusades” or other non-prescribed extremist groups such as the EDL.
- Out of character changes in dress, behaviour and peer relationships.

### **Domestic Abuse**

Domestic abuse can be defined as an incident or pattern of incidents of controlling, coercive, threatening, degrading and violent behaviour, including sexual violence, in the majority of cases by a partner or ex-partner, or by a family member or carer.

Domestic abuse can include, but is not limited to, the following:

- Coercive control (a pattern of intimidation, degradation, isolation and control with the use or threat of physical or sexual violence)
- Psychological and/or emotional abuse
- Physical or sexual abuse
- Financial or economic abuse
- Harassment and stalking
- Online or digital abuse.



## **Gangs and Groups**

A gang is a group of people who spend time in public places and who see themselves (and are seen by others) as a noticeable group, and who engage in a range of criminal activity and violence. They may also identify with or lay a claim over territory and/or be in conflict with other, similar gangs.

County lines operate from urban areas into more rural areas. Young people are “recruited” by gangs or serious organised crime networks and used to facilitate the establishment of drug markets in the more rural locations.

## **Mate Crime/Hate Crime**

Any criminal offence which may be perceived, by the victim or any other person to be motivated by a hostility or prejudice based on a personal characteristic (see Equality and Diversity pages).

The term ‘Mate Crime’ is being used where people with learning disabilities are often befriended by people who then exploit them.

