

RECORD OF DECISION MADE UNDER DELEGATED AUTHORITY

***PART 1 – PUBLIC DOCUMENT**

SERVICE DIRECTORATE: *Legal and Community*

1. DECISION TAKEN

To replace the adopted Safeguarding Children and Adults at Risk Policy with a separate Safeguarding Children Policy and Safeguarding Adults at Risk Policy to ensure consistency with the latest legislation and obligations for both safeguarding areas.

2. DECISION TAKER

Cllr Judi Billing, Executive Member for Community Engagement

3. DATE DECISION TAKEN:

15th October 2019

4. REASON FOR DECISION

The previous safeguarding policy for children and adults at risk was agreed by Cabinet in July 2016. Minor amendments were approved by the Executive Member in 2018 and a refreshed policy was published. It is now necessary to separate this into two distinct policies due to the considerable variation in content for safeguarding children and safeguarding adults at risk.

The policies are available on the Delegated Decisions 2019 page of the website.
<https://www.north-herts.gov.uk/home/council-and-democracy/decisions/delegated-decisions-2019>

5. ALTERNATIVE OPTIONS CONSIDERED

None considered appropriate (i.e. not separating/updating the policy)

6. CONSULTATION (INCLUDING THE EFFECT ON STAKEHOLDERS, PARTNERS AND THE PUBLIC)

The Service Director- Legal and Community and the Community Protection Manager have been consulted on the separation of the existing policy. Hertfordshire Safeguarding Children Partnership (HSCP) and Hertfordshire Safeguarding Adults Board (HSAB) have also been consulted to ensure that the policies comply with their requirements. As the amendments are minor to ensure consistency with statutory requirements it was not considered necessary to consult with members of the public.

7. FORWARD PLAN

7.1 This decision is a key Executive decision that was first notified to the public in the Forward Plan on the 6th September 2019.

8. BACKGROUND/ RELEVANT CONSIDERATIONS

- 8.1 Section 11 of the Children Act 2004 places a duty on all statutory agencies working with children and young people to 'safeguard and promote their welfare'. The duty means that key people and bodies must make arrangements to ensure their functions are discharged with full regard to the need to safeguard and promote the welfare of children. This also includes responsibility to monitor sufficient arrangements in services they contract out to others.
- 8.2 The Care Act 2014 came into effect on 1st April 2015 and places a statutory duty on top tier local authorities to provide services to meet the needs of adults who require care and support. A duty to establish a Safeguarding Adults Board in every local authority area was introduced and a duty placed on Districts Councils and other local organisations to cooperate fully with the board.
- 8.3 The Council first developed and approved a policy for 'Safeguarding Children and Adults at Risk' in 2016. In recent years, emerging issues including Modern Day Slavery and Human Trafficking, the Prevent agenda and ensuring sufficient support for adults with challenging mental health needs have resulted in the safeguarding landscape becoming more complex. The categories of abuse affecting children and adults have expanded and differentiated to the extent that one policy cannot adequately represent our commitment and approach to safeguarding.
- 8.4 In response, two separate policies have been developed. The core principles and methods of the previously combined 2016 policy have been maintained whilst the presentation has become clearer and more accessible to staff, volunteers and Councillors who will need to utilise these documents.

9. LEGAL IMPLICATIONS

- 9.1. The Council Constitution delegates to Cabinet Executive Members as set out in 14.6.17 (w) (Matters of General Delegation), the responsibility for 'making minor amendments to adopted strategies, policies and procedures'. The Constitution identifies that the Executive Member for Community Engagement is responsible for safeguarding which shall include 'promoting the Council's position in regard to safeguarding responsibilities across the district (14.6.9 (b) Service Responsibilities (xvii))'.
- 9.2 The relevant legislation includes the Children Act 2004, the key points of which are:-

Section 11 places a statutory duty on key people and bodies – including district councils to make arrangements to ensure that in discharging their functions they have regard to the need to safeguard and promote the welfare of children.

Section 10 outlines the duty to promote inter-agency cooperation between named agencies (including district councils).
- 9.3 The Care Act 2014 came into effect on 1st April 2015 and places a statutory duty on local authorities to provide services to meet the needs of adults who require care and support. A duty to establish a Safeguarding Adults Board in every local authority area was introduced and a duty has been placed on Districts Councils alongside other local organisations to cooperate fully with the local board (Hertfordshire Safeguarding Adults Board).

10. FINANCIAL IMPLICATIONS

There are no financial implications from the separation of the existing policy into two individual policies.

11. RISK IMPLICATIONS

- 11.1 Progress on implementing and reviewing “Policies for Safeguarding Children and Safeguarding Adults at Risk of Harm” is assessed on the risk register via risk entry RR278. The latest assessment of the identified risks, completed in March 2019, scored the Impact as being “High” but the Likelihood as being “Low”.
- 11.2 NHDC’s safeguarding policies and procedures outline the various steps taken by the Council to provide staff, volunteers and Councillors with the tools they need to protect children and adults at risk who access our services. This includes ensuring that there are procedures for safe recruitment, learning and development for employees and reporting procedures for employees with concerns.

12. EQUALITIES IMPLICATIONS

- 12.1 In line with the Public Sector Equality Duty, public bodies must, in the exercise of their functions, give due regard to the need to eliminate discrimination, harassment, victimisation, to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not.
- 12.2 Due to their age, development and dependency on adults including in the delivery of services, children are vulnerable and therefore often more open to abuse. They have a legal right to be protected and for organisations to take appropriate action to prevent and report suspected abusive behaviour. The Equality Act supports the Children Act 2004 to provide this protection to vulnerable children.
- 12.3 Equally, adults who are more vulnerable due to having care and support needs which impact on their ability to protect themselves from abuse, have a legal right to be protected and for organisations to take appropriate action to prevent and report suspected abusive behaviour.

12. SOCIAL VALUE IMPLICATIONS

- 12.1 The Social Value Act and “go local” policy do not apply to this decision.

13. HUMAN RESOURCE IMPLICATIONS

- 13.1 There are no additional human resource implications to this report.

14. BACKGROUND PAPERS

North Hertfordshire District Council Safeguarding Children and Adults at Risk Policy (October 2018)

<https://www.north-herts.gov.uk/sites/northherts-cms/files/Safeguarding%20Policy%20-%20overarching%20adopted%202016%20reviewed%20October%202018.pdf>

Minutes from Cabinet 26th July 2016 where above policy was agreed.

<https://democracy.north-herts.gov.uk/CeListDocuments.aspx?Committeeld=133&MeetingId=297&DF=26%2f07%2f2016&Ver=2>

<https://www.hertfordshire.gov.uk/services/adult-social-services/report-a-concern-about-an-adult/hertfordshire-safeguarding-adults-board/hertfordshire-safeguarding-adults-board.aspx#procedure>

Hertfordshire Safeguarding Children Partnership Procedures Manual June 2019

<https://hertsscb.proceduresonline.com/index.htm>

15. APPENDICES

Appendix A – Safeguarding Children Policy 2019

Appendix B – Safeguarding Adults at Risk Policy 2019

NOTIFICATION DATE

Friday 25th October 2019

Signature of Executive Member Consulted (Cllr Billing)



Date 15/10/19

Signature of Decision Taker (Cllr Billing)



Please Note: that *unless urgency provisions apply* EXECUTIVE decisions cannot be implemented until 5 clear working days have elapsed after the decision has been taken to allow for scrutiny call-in.

Call-in does not apply to NON-EXECUTIVE DECISIONS