

Maidstone Borough Council

Safeguarding Policy For Children and Vulnerable Adults'

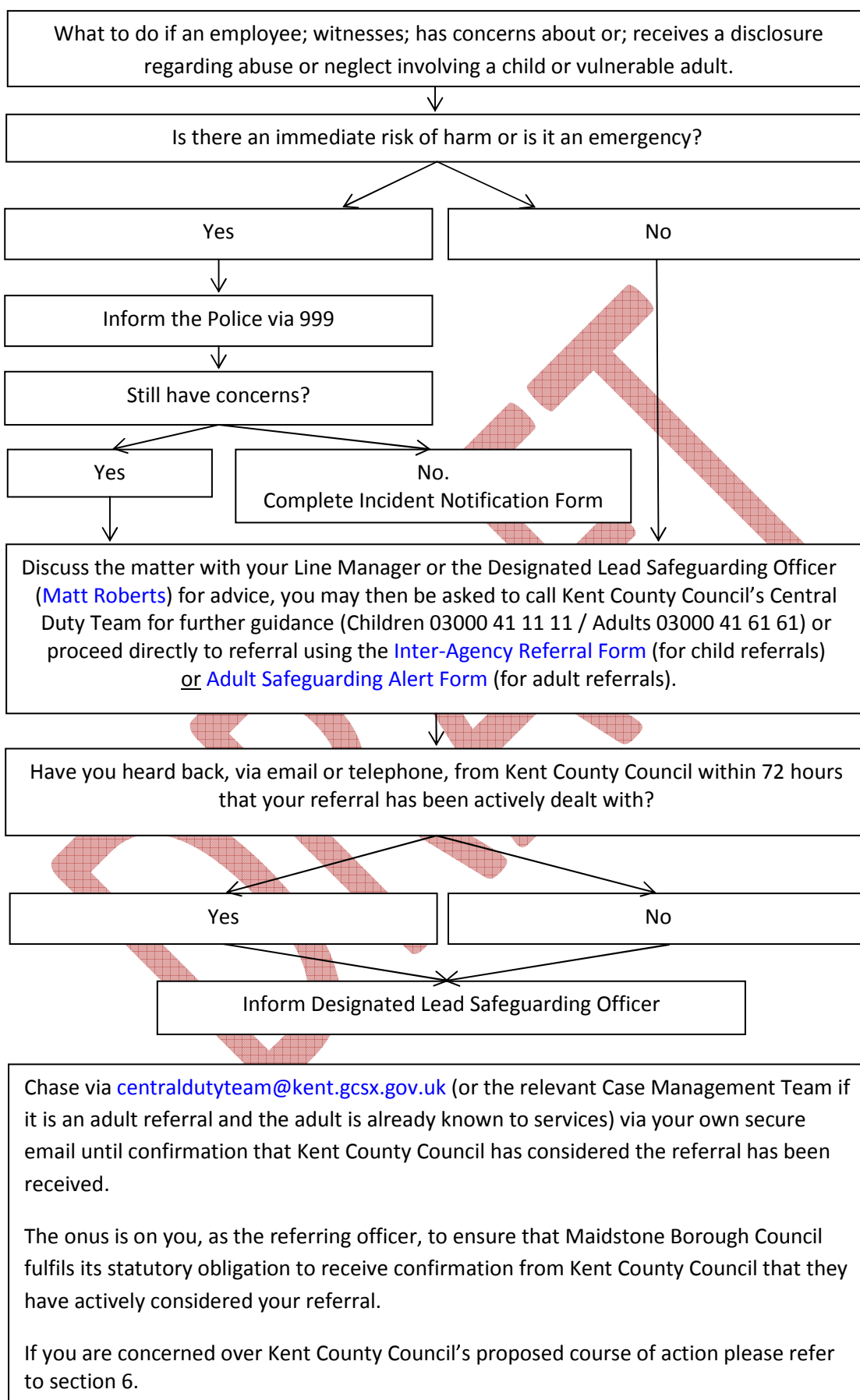
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Document Purpose	Guidance
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Description	This document sets out the requirements for Maidstone Borough Council to discharge its appropriate accountability for Safeguarding children, young people and vulnerable adults.
Cross Reference	This documents should be read alongside; MBC Recruitment Guidance, Whistleblowing Charter, Disciplinary Procedures
Action Required	Read and embed Policy into normal practice
Contact Details	Matt Roberts
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Forward by Member Safeguarding Champion

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Quick View Referral Procedure



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1. POLICY STATEMENT & FRAMEWORK

- 1.1 As a public body, Maidstone Borough Council expects high standards of conduct from all of its employees and councillors, in line with the key principles of the constitution. Maidstone Borough Council aspires to the highest standards of excellence and professionalism in the people it employs, the education, training and development they receive and in the leadership and management of the organisation.
- 1.2 This policy sets out Maidstone Borough Council's (MBC) commitment and intent towards its statutory and moral duties to safeguard children and vulnerable adults who come into contact with its services and activities.
- 1.3 It identifies how MBC staff, councillors and in our commissioned services must operate at both a strategic and operational level. It is important to understand that;

'Safeguarding is everyone's responsibility'

- 1.4 Which means that whether you are a permanent member of staff, on a temporary contract, are a casual or agency worker, volunteer, contractor or an elected Member, everyone carrying out the business of MBC has the same duty to report any witnessed or suspected concerns of abuse or neglect.
- 1.5 This policy sets out the procedures that must be followed to report a suspicion or allegation to Kent County Council (Specialist Children's Services / Adult Care and Support Service) and to meet Maidstone Borough Council's responsibility to ensure that such referrals are actively considered by Kent County Council.
- 1.6 Maidstone Borough Council also supports the Home Office Counter Terrorism strategy CONTEST, which includes a specific focus on PREVENT (preventing violent extremism / radicalisation). Throughout this document safeguarding children, young people and adults at risk includes those at risk of becoming radicalised.

1.7 The safeguarding children & young people

- 1.8 **The Children Act 1989** (as amended) states that every child has a right to protection from abuse, neglect and exploitation. Statutory guidance on making arrangements to safeguard and promote the welfare of children under the **Children Act 2004** was published in August 2005. The guidance came into force on 1 October 2005. Maidstone Borough Council's duties under the Act are:
- 1.9 **To co-operate to improve children's wellbeing:** Section 10 of the Act requires each local authority to make arrangements to promote co-operation between the authority, each of the authority's relevant partners and such other persons or bodies working with children in the local authority's area as the authority considers appropriate. The arrangements are to be made with a view to improving the wellbeing of children in the authority's area, which includes protection from harm or neglect.
- 1.10 **To safeguard and promote the welfare of children:** Section 11 requires a range of organisations (including district councils) to make arrangements for ensuring that their functions, and services provided on their behalf, are discharged with regard to the need to safeguard and promote the welfare of children.

1.11 Expectations on Maidstone Borough Council include:

- Corporate Leadership Team (CLT) commitment to the importance of safeguarding and the promotion of wellbeing.
- A clear statement of responsibility made available to employees and elected Members.
- Clear accountability for work on safeguarding and promoting wellbeing.
- Take the voice of children and young people into account to help shape services.
- Safe recruitment procedures for those coming into contact with children and young people.
- Appropriate training, learning and development for employees.
- Effective working relationships, both within the authority and with other agencies to safeguard and promote wellbeing, and to share information effectively and appropriately.

1.12 Other legislation and guidance relevant to safeguarding includes; The Public Disclosures Act 1998; Working together to safeguard children (2015); No Secrets (2000); The Crime and Disorder Act (1998); The Health and Social Care Act (2008); and the Care Act (2014).

1.13 Safeguarding vulnerable adults

1.14 The legal responsibilities for safeguarding adults at risk of abuse or neglect are set out in Part 1 of the Care Act 2014 with Care and Support Statutory Guidance issued in 2014 to support implementation.

1.15 Kent County Council is the lead agency, Maidstone Borough Council is a key partner and has a duty to co-operate in order to protect adults from abuse or neglect. In exercising their duties Kent County Council must:

- **Make Safeguarding Enquiries:** or request others to make them, if an adult is subject to or at risk of abuse or neglect.
- **Establish a Safeguarding Adults Board:** which develops, shares and implements a joint safeguarding strategy
- **Carry out Safeguarding Adult Reviews:** when an adult dies as a result of abuse or neglect, whether known or suspected, and there is concern that partner agencies could have worked more effectively to protect the adult. Or if an adult has not died, it is known or suspected that the adult has experienced serious abuse or neglect.
- **Arrange an independent advocate:** to represent and support an adult who is subject to a Safeguarding Enquiry or Adult Review
- **Co-operate with its relevant partners:** in order to protect adults experiencing or at risk of abuse or neglect.

1.16 All sectors, including district councils are expected to apply the following six key principles in its adult safeguarding role:

- **Empowerment:** people being supported and encouraged to make their own decisions and be able to give informed consent.
- **Prevention:** it is better and more cost effective to take action before harm occurs.
- **Proportionality:** provide the least intrusive response appropriate to the risk presented.
- **Protection:** support and representation for those in greatest need

- **Partnership:** local solutions through services working with their communities. Communities have a part to play in preventing, detecting and reporting neglect and abuse
- **Accountability:** accountability and transparency in delivering safeguarding

1.17 Safeguarding activity should be person-led and outcome-focused. It is about engaging the person in a conversation about how best to respond to their safeguarding situation in a way that enhances involvement, choice and control as well as improving quality of life, wellbeing and safety.

2. DEFINITIONS

Safeguarding children

2.1 Safeguarding children is defined in the statutory guidance Working Together to Safeguard Children (March 2015) as:

- Protecting children from maltreatment
- Preventing impairment of children's health or development
- Ensuring that children grow up in circumstances consistent with the provision of safe and effective care; and
- Taking action to enable all children to have the best outcomes.

2.2 A child is anyone under the age of 18 years. The fact that a child has reached 16 years of age, is living independently or is in further education, is a member of the armed forces, is in hospital or in custody in the secure estate, does not change his/her status or entitlements to services or protection.

Safeguarding vulnerable adults

2.3 Safeguarding adults is defined in Care and Support Statutory Guidance (October 2014) as protecting an adult's right to live in safety, free from abuse and neglect. Under section 42 of the Care Act 2014, safeguarding duties apply to adults who:

- Have needs for care and support (whether or not they are receiving any services); and
- Are experiencing, or at risk of, abuse or neglect; and
- As a result of those care and support needs are unable to protect themselves from either the risk of, or the experience of abuse or neglect

2.4 An adult is anyone aged 18 or over. Where someone is 18 or over but is still receiving children's services and a safeguarding issue is raised, the matter should be dealt with through adult safeguarding arrangements. For example, this could occur when a young person with substantial and complex needs continues to be supported in a residential educational setting until the age of 25.

2.5 Care and support needs is the mixture of practical, financial and emotional support for adults who need extra help to manage their lives and be independent – including older people, people with a disability or long-term illness, people with mental health problems, and carers.

- 2.6 Care and support includes the assessment of people's needs, provision of services and the allocation of funds to enable a person to purchase their own care and support. It could include care home, home care, personal assistants, day services, or the provision of aids and adaptations.

Abuse and neglect

- 2.7 The No Secrets Guidance (March 2000) defines abuse as a violation of an individual's human and civil rights by any other person or persons. Abuse can happen to anyone, regardless of age, gender, class or ethnicity. Abuse may be a single act or repeated over a period of time and affect one person or more. It may take one form or a multiple of forms or follow a pattern of abuse. The lack of appropriate action can also be a form of abuse.
- 2.8 Neglect is a failure to care for someone with whom you have a responsibility to care for or represent, for example, by failing to provide adequate food, clothing, medical aid or accommodation. It can be a form of abuse if it is intentional, however, not all incidents of neglect are intentional and may be because a care giver is finding it hard to cope or is not receiving sufficient help.
- 2.9 Self-neglect covers a wide range of behaviour where a person neglects to care for one's own personal hygiene, health or surroundings, this can often have a negative effect on the wider community and sometimes exhibits as anti-social behaviour, while not exhaustive the list includes behaviours such as;
- Obsessive hoarding
 - Living in very unclean, sometimes verminous circumstances
 - Neglecting household maintenance, thereby creating hazards within and surrounding the property
 - Erratic or eccentric behaviour/lifestyles
 - Declining or refusing prescribed medication and / or other community healthcare support
 - Repeated episodes of anti-social behaviour – either as a victim or perpetrator
- 2.10 Maidstone Borough Council's Self-Neglect & Hoarding Procedure was developed following the release of the Kent & Medway Policy in October 2014. To make a referral to the multi-agency self-neglect panel consult with a Designated Safeguarding and complete a SG1 notification form found in Appendix 3.

3. ROLES AND ACCOUNTABILITY

- 3.1 Whilst safeguarding is everyone's responsibility, there are a number of key roles that partner agencies and employees within Maidstone Borough Council hold.
- 3.2 **Kent County Council:** is the lead authority for safeguarding children and vulnerable adults. The Specialist Children's Services and Adult Care and Support Service are responsible for investigating allegations of abuse and neglect, determining whether it has or has not taken place and taking action to protect the child or vulnerable adult.
- 3.3 **Kent Safeguarding Children Board:** agrees how different partner agencies should co-operate to safeguard children and has a role in making sure that arrangements work effectively to bring about good outcomes for children.

- 3.4 **Kent and Medway Safeguarding Adults Board:** makes sure that all member agencies are working together to help keep adults safe from harm and protect their rights.
- 3.5 **Kent Police:** has a duty to investigate criminal offences and refer any suspicion, allegation or disclosure that a child or vulnerable adult is suffering and likely to suffer significant harm to Kent County Council.
- 3.6 **Maidstone Borough Council:** The Chief Executive Officer has ultimate accountability for safeguarding; this means ensuring that employees and elected Members comply with the principles contained in this policy and providing assurance that the Council complies with its statutory requirements. The CEO discharges these functions by appointing a Lead Designated Safeguarding Officer (LDSO) In Maidstone Council the LDSO is the Community Partnerships and Resilience Manager.
- 3.7 **MBC's Designated Lead Safeguarding Officer:** is a senior officer who leads on all safeguarding issues and acts as the child and adult protection professional on behalf of Maidstone Borough Council. Responsibilities include:
- Supports the CEO and Wider Leadership Team to provide strategic direction for the safeguarding agenda including the protection of child and vulnerable adults
 - Championing the importance of safeguarding and promoting the welfare of children and vulnerable adults throughout Maidstone Borough Council
 - Ensuring compliance with legislation including that contained within section 11 of the Children Act 2004, Part 1 of the Care Act 2014 and government guidance
 - Ensuring that there is an up to date policy and procedure in place relating to Maidstone Borough Council's roles and responsibilities for the safeguarding and protection of children and vulnerable adults
 - Ensuring that employee and Member training is undertaken and refreshed appropriately.
- 3.8 **MBC's Safeguarding Board:** monitors this policy and any safeguarding referrals which are made by Maidstone Borough Council. Chaired by the Safeguarding Lead, this group meets quarterly to discuss any reports of abuse or neglect raised through the reporting system, whilst ensuring that Maidstone Borough Council is taking its safeguarding responsibilities seriously and complying with legal requirements. Representative on this group include local managers for Kent County Council's
- 3.9 **Human Resources:** works to ensure that stringent recruitment procedures are in place for ensuring safe working practices and safe recruitment for job roles that involve working with children and vulnerable adults.
- 3.10 **Line Managers:** ensures that appropriate checks are made for all job roles that involve working with children and vulnerable adults. They also carry out the correct induction process for all new employees including booking the appropriate training and ensuring they are made aware of this policy and have the appropriate ongoing training.
- 3.11 **All employees, contractors, volunteers and Members:** ensures that the activities in which they are involved in during the course of their work are carried out in accordance with this policy and that they follow any guidance relating to it.

4. RECOGNISING ABUSE AND NEGLECT

Child Neglect and Abuse

- 4.1 Abuse of children can take many forms but is usually divided into four main categories; physical, sexual, emotional and neglect. [The Kent and Medway Inter-Agency Threshold Criteria for Children and Young People](#) includes illustrative examples about how need may present itself for intervention. It can help to decide whether to refer a child and whether the child will meet either the 'child in need' or 'child protection' thresholds:
- **Child in need:** the child is unlikely to achieve or maintain a reasonable standard of health or development or development is likely to be significantly impaired (section 17 of the 1989 Children Act)
 - **Child protection:** where a child has suffered or is likely to suffer significant harm, through neglect, physical, emotional or sexual abuse (section 47 of the 1989 Children Act)
- 4.3 The Inter-Agency Threshold document explains the signs and symptoms that may be consistent with abuse and illustrates good practice when working with children, before making a referral it is important that you discuss your concerns with a Designated Safeguarding Officer or contact the Lead Designated Safeguarding Officer.
- 4.4 The referral procedure in Section 6 of this policy should be followed if the thresholds are met and a child requires Specialist Children's Services intervention. If the concerns do not meet child in need or child protection thresholds, then consideration should be given to referring the case to the Early Help and Preventative Service, providing the family consent for the referral to be made.
- 4.5 **Early Help and Preventative Service:** the Kent Family Support Framework replaced the Common Assessment Framework process and delivers a streamlined [preventative service](#), which can be accessed if concerns do not reach child in need or child protection thresholds.
- 4.6 The Early Help and Preventative Service aims to respond early to tackle issues emerging for children, young people and families, who are most at risk of developing problems and having poor outcomes. The service prevents or minimises the risk of problems arising; carries out early intervention work with those families and responds effectively to redress the situation, stop problems getting worse and improve outcomes.
- 4.7 To refer a case to the Early Help and Preventative Service, a [Notification Form](#) must be completed and consent given by the family, it is important that the young person's voice is captured. Consent can be given verbally but preferably be in writing. The Early Help team will then carry out a family assessment to the child's and family's needs and develop and agree a plan to work with the family to meet those needs. Contact details for this service can be found in Appendix 1.

Child Sexual Exploitation (CSE)

- 4.8 Sexual exploitation of children and young people under 18 involves exploitative situations, contexts and relationships where young people (or a third person or persons) receive 'something' (e.g. food, accommodation, drugs, alcohol, cigarettes, affection, gifts, money) as a result of them performing, and/or another or others performing on them, sexual activities.

- 4.9 The Kent and Medway [Safeguarding Children Abused through Sexual Exploitation Procedures](#) support employees to identify and respond appropriately to safeguard children who are or are at risk of experiencing CSE.
- 4.10 If there are concerns about a child or young person being sexually exploited, employees should first discuss their concerns with their Line Manager or a Designated Safeguarding Officer. The Lead Designated Safeguarding Officer should also be consulted to assist the Community Safety Unit in informing intelligence gathering. During the discussions, the Kent and Medway [Child Sexual Exploitation Risk Assessment Toolkit](#) should be used to make an assessment of risk of harm to the child.
- 4.11 Following completion of the risk assessment and if a decision is made to make a referral to Kent County Council under the procedure set out in Section 6, the risk assessment should be attached to the referral form.
- 4.12 Any intelligence on CSE can also be reported to Operation Willow's CSE Team using an Information Report Form, which can be located in Appendix 3, and sent via secure GCSX email or a password protected file to cse.intelligence@kent.pnn.police.uk. For help completing the form contact the CSE Champion or the Designated Lead Safeguarding Officer who should also be copied into the Information Report email.
- 4.13 The submission of an Information Report does not replace a safeguarding referral and should not be relied upon to safeguard an individual at risk. The existing safeguarding processes, as set out in this policy should therefore still be followed in tandem with any Information Reports.

Vulnerable Adults

- 4.14 [The Kent and Medway Safeguarding Adults Policy, Protocols and Guidance](#) (pages 5 to 12), provides an illustrative guide to the various categories of abuse and details the indicators (pages 56 to 62). The main categories of abuse include:
- Physical
 - Sexual
 - Psychological
 - Financial or material
 - Slavery
 - Discriminatory
 - Exploitation
 - Neglect and acts of omission
 - Self-neglect and self-injurious behaviour
- 4.15 Maidstone Borough Council's Safeguarding Guidance document further explains the signs and symptoms that may be consistent with abuse and neglect. Staff can obtain this guidance on the Intranet.
- 4.16 The referral procedure in Section 6 of this policy should be followed if the vulnerable adult meets the following criteria:
- Has needs for care and support (whether or not they are receiving any services); and
 - Is experiencing, or at risk of, abuse or neglect; and

- As a result of those care and support needs is unable to protect themselves from either the risk of, or the experience of abuse or neglect

Domestic abuse

- 4.17 Is any incident or pattern of incidents of controlling, coercive, threatening behaviour, violence or abuse between those aged 16 or over who are, or have been, intimate partners or family members regardless of gender or sexuality. The abuse can encompass, but is not limited to psychological, physical, sexual, financial or emotional abuse.
- 4.18 Other forms of domestic abuse can include so called ‘honour’ based violence, female genital mutilation and forced marriage.
- 4.19 Maidstone Borough Council has trained employees who are able to complete the Risk Indicator toolkit (DASH) where it is identified that an adult at risk is in a domestic abuse situation. The Kent and Medway [Multi-Agency Protocol for Dealing with Cases of Domestic Abuse to Safeguard Adults at Risk](#), provides guidelines on dealing with cases of domestic abuse where this affects adults with care and/or support needs. Referrals in these cases should be made in accordance with the procedure in section 6.
- 4.20 Self-neglect or self-injurious behaviour: covers a wide range of behaviour; neglecting to care for one’s personal hygiene, health or surroundings and includes behaviour such as hoarding. The [Kent and Medway Multi-Agency Policy and Procedure to Support People who Self-Neglect](#), should be referred to for procedures on how to respond to cases of self-neglect. Under this, the identifying agency will need to co-ordinate a multi-agency meeting at which the lead agency will be identified and agreed. If the vulnerable adult is in need of care and/or support then Kent County Council is likely to be the lead agency.

Modern slavery

- 4.21 Encompasses slavery, servitude, forced and compulsory labour and human trafficking. Traffickers and slave drivers coerce, deceive and force individuals against their will into a life of abuse, servitude and inhumane treatment.
- 4.22 From 1 November 2015, public authorities have a duty to notify the Secretary of State of any individual identified in England and Wales as a suspected victim of modern slavery. This duty includes district councils and applies to both children and adult victims. The information provided in a notification will be used to build a better picture of modern slavery in England and Wales, and to improve law enforcement response, by sharing the information with the National Crime Agency and other law enforcement agencies.
- 4.23 The Home Office [Guidance: duty to notify the Home Office of potential victim of slavery](#), should be referred to and the [MS1 Notification of Potential Victim of Modern Slavery Form](#), should be used to submit a notification via secure GCSX email to dutytonotify@homeoffice.gsi.gov.uk. The LDSO should be copied into the notification email.
- 4.24 This notification does not replace a safeguarding referral and should not be relied upon to safeguard an individual at risk. The existing safeguarding processes, as set out in this policy, should therefore still be followed in tandem with a notification.

Extremism and radicalisation

- 4.25 The Counter Terrorism and Security Act 2015 places a duty on specified authorities to have due regard to the need to prevent people from being drawn into terrorism, referred to under the term 'Prevent'. This statutory duty includes district councils and applies to both children and adults. Prevent forms part of Contest, the Governments plan for tackling terrorism; Prevent, Prepare, Protect, Pursue.
- 4.26 The Prevent duty is addressed through a multi-agency approach to identify and provide support to individuals who are at risk of being drawn into committing acts of terrorism through a process known as 'Channel'. A 'Channel Panel' comprising of agencies who have a role in the Prevent process look at putting into place interventions and a tailored support package to safeguard those at risk based on an assessment of their vulnerabilities.
- 4.27 If a child or adult are identified as being at risk radicalisation, either by themselves, the actions of others, or drawn into committing act of terrorism, then employees should first discuss their concerns with their Line Manager or a Designated Safeguarding Officer. The LDSO should also be consulted to assist the Community Safety Unit with intelligence gathering.
- 4.28 A Channel [Referral Form](#) should be used to make a referral to the Kent Channel Panel, via secure GCSX email to channel@kent.pnn.police.uk. The LDSO should be copied into the referral email.
- 4.29 The submission of a referral to the Channel Panel should not replace a safeguarding referral and should not be relied upon to safeguard an individual at risk. The existing safeguarding processes, as set out in this policy, should therefore still be followed in tandem with a referral to the Channel Panel.

5. RESPONDING TO A DISCLOSURE OF ABUSE OR NEGLECT

- 5.1 If a child or vulnerable adult discloses abuse or neglect, stay calm and try not to show shock or disbelief. Listen carefully to what they are saying, be sympathetic ('I am sorry that this has happened to you') and be aware of the possibility that medical evidence might be needed.
- 5.2 Tell the person that:
- They did the right thing to tell you
 - You are treating the information seriously
 - The alleged abuse was not their fault
 - You have to inform the appropriate person
 - You/the service will take steps to protect and support them
- 5.3 Use open questions, such as 'can you tell me what happened / can you tell me what was said / can you describe that to me?' Write down what was said (as set out in 5.6) as soon as possible and report the abuse, following the procedure in section 6.
- 5.4 Do not:
- Press the person for more details; this will be done at a later date
 - Stop someone who is freely recalling significant events, as they may not tell you again
 - Ask leading questions that could be interpreted as putting words or suggestions to the person
 - Promise to keep secrets. You cannot keep this kind of information confidential

- Make promises you cannot keep
 - Contact or confront the alleged abuser
 - Start an investigation on your own
 - Be judgmental e.g. 'why didn't you run away?'
- 5.5 Pass on the information to anyone other than those with a legitimate need to know, such as your Line Manager or other appropriate person

Records and information

- 5.6 Information passed to Kent County Council or the Police must be as comprehensive as possible, hence the necessity for making a detailed report at the time of the disclosure/concern. Information included in this report should include:

- The nature of the allegation
- A description of any visible bruising or other injuries
- The effect on the child or vulnerable adult
- The child or vulnerable adults' account, if it can be given, of what has happened and how any bruising or other injuries occurred
- Witnesses to the incident(s)
- Any times, dates or other relevant information
- A clear distinction between what is fact, opinion or hearsay

- 5.7 When recording the incident of abuse or neglect:

- Note what was said, using the exact words and phrases with ink that can be photocopied
- Describe the circumstances in which the disclosure came about
- Note the setting and anyone else who was there at the time
- Be aware that your report may be required later as part of a legal action or disciplinary procedure
- Make every effort to preserve any evidence which may be relevant to a Police investigation, however taking into account that the wellbeing of the child or vulnerable adult is your first priority

Consent

- 5.8 **Child referrals:** If you are making a referral that meets the threshold for a 'Child in Need' then consent must be obtained from the parent or guardian. Should a parent or guardian refuse their agreement to a referral being made, consideration should be given to the impact this may have on the level of concern for the child's welfare, and the parent's or guardian's ability to meet the child's needs.
- 5.9 If you are making a 'Child Protection' referral, immediate advice should be sought from either a Designated Safeguarding Officer or the Lead Designated Safeguarding Officer on whether to advise the parent or carer about the referral. If you remain unsure you should consult Specialist Children's Services.
- 5.10 The safety of the child is of paramount importance and informing a parent or guardian may place the child at increased risk or may compromise Police evidence.

- 5.11 The outcome of any consultation around consent and any advice provided should be fully recorded.
- 5.12 **Adult referrals:** Every adult has the right to make their own decisions and it is assumed they have mental capacity unless it is proved otherwise by a specialist. Mental capacity is the ability to understand the effect of their actions and retain the information in relation to a specific act, decision or transaction, to weigh up their consequences and to communicate the decision, at the time the decision needs to be made.
- 5.13 It is important to consider whether the vulnerable adult has the capacity to give consent to a referral. Where there is any doubt around capacity and/or their ability to consent, further advice should be sought from your Line Manager, a Designated Safeguarding Officer or the Lead Designated Safeguarding Officer or via consultation with Adult Social Services.
- 5.14 Where an adult who is deemed to have capacity has made a decision that they do not want action taken to address the alleged abuse or neglect, this should be respected unless failure to act will leave other adults or children at risk, there is anti-social behaviour or a crime has or will be committed.

6. REFERRAL PROCEDURE

- 6.1 The flow chart at the beginning of this policy outlines the referral procedure for reporting a safeguarding concern regarding children and/or vulnerable adults and contains links to the referral forms.

Child referrals

- 6.2 All safeguarding referrals for children should be sent via secure GCSX email to centraldutyteam@kent.gcsx.gov.uk. Urgent referrals outside of office hours that cannot wait until the next working day should be referred to the **Out of Hours Team on 03000 41 91 91**. If an Early Help or other assessment has been completed (e.g. DASH or Child Sexual Exploitation Risk Assessment Toolkit), it should be attached to the referral form.
- 6.3 **Child Protection Referrals:** If there are concerns that a child may be suffering significant harm, the information must be telephoned directly through to the **Central Duty Team, on 03000 41 11 11**. The referral form should then be completed and forwarded to the Central Duty Team as soon as possible.
- 6.4 **Child In Need:** Referrals of children with high levels of need should be forwarded to the Central Duty Team without prior telephone discussion with the Central Duty Team, unless a professional consultation is considered necessary or useful. If you feel that a consultation should take place, contact your Designated Safeguarding Officer or the LDSO prior to any consultation with the Central Duty Team.

Adult referrals

- 6.5 If the adult is already known to Kent County Council, the referral will need to be sent directly to the relevant Case Management Team (either the Learning Disability, Mental Health or Older Persons and Physical Disability Team) using the contact details on the referral form. The **Central Duty Team** (Tel: **03000 41 61 61**) will be able to confirm whether the adult is already known to services. If the adult is not already known to services, the referral should be sent via secure GCSX

email to centraldutyteam@kent.gcsx.gov.uk. If any other assessment has been completed (e.g. DASH), it should be attached to the referral form.

- 6.6 Urgent referrals outside of office hours that cannot wait until the next working day should be referred to the **Out of Hours Team** on **03000 41 91 91**.
- 6.7 The Lead Designated Safeguarding Officer (LDSO) should be copied into the email for all safeguarding referrals via their secure GCSX email: MattRoberts@maidstone.gcsx.gov.uk
- 6.8 For employees without a secure email, they should try to send the referral as a password protected file. Or ask their department Designated Safeguarding Officer or the LDSO to forward the referral on their behalf.
- 6.9 Reporting the matter should not be delayed by an attempt to obtain more information. A summary of any consultation with, or referral to, the Central Duty Team will be issued to the referring officer. This ought to be retained on file in case any follow-up is needed and should be logged centrally with the Community Safety Unit. If a response is not received within 72 hours of making a referral, the referring officer should follow up with the Central Duty Team or the relevant case management team if it is an adult referral and the adult is already known to services, as outlined in Flowchart A. If a case has been referred to the Police due to an immediate risk of harm or emergency, the Police crime report number should be noted and placed on file.

Escalating a referral

- 6.10 On rare occasions Maidstone Borough Council employees may feel that the course of action outlined by Kent County Council in their response to a referral does not represent, in their opinion, the best course of action in relation to the referred case. If so, then concerns should be raised with the Lead Designated Safeguarding Officer. Please note that sensitive matters should be sent to and from a secure GCSX email address if being sent outside of the organisation, or else discussed in person or over the phone.
- 6.11 The Lead Designated Safeguarding Officer will make the final decision as to whether a case will be referred back to Kent County Council, expressing Maidstone Borough Council's continuing concerns in relation to the welfare of the individual(s) concerned and may bring the case in question to the attention of the Safeguarding Forum members.

7. SUSPICIONS OF ABUSE INVOLVING STAFF

- 7.1 Any suspicion that an employee has abused a child or vulnerable adult should be reported to their Line Manager, Head of Service or the Lead Designated Safeguarding Officer immediately. Alternatively, suspicion may also be reported according to Maidstone Borough Council's Whistleblowing Policy.
- 7.2 The LDSO representative informed will take such steps as they feel appropriate to ensure the safety of the child or vulnerable adult and will report the incident to the relevant Director and Human Resources.
- 7.3 If a Line Manager or Designated Safeguarding Officer is the subject of the suspicion/allegation, the report must be made directly to a Director and Human Resources. Advice will be sought from the Local Authority Designated Officer (for children) or Adult Social Services Duty Team (for

adults), who may involve the Police. A disciplinary investigation team will be formed to oversee the internal investigation.

- 7.4 Any employee accused of abuse will, if necessary, be redeployed pending further Police, Kent County Council and/or the internal investigation.
- 7.5 The Police, Kent County Council or the regulatory authorities may be consulted at any time regarding suspected abuse.
- 7.6 Irrespective of the findings of the Kent County Council or of Police inquiries, Maidstone Borough Council will assess all individual cases under disciplinary procedures to decide whether an employee has breached Maidstone Borough Council policy and will reach a decision based on the available information and decide on a balance of probability whether an allegation is founded. The welfare of the child or vulnerable adult will always remain paramount.

8. COMPLAINTS

- 8.1 On occasions members of the public, partner agencies or Maidstone Borough Council employees may feel that safeguarding action has not been taken by Maidstone Borough Council in accordance with this policy.
- 8.2 **Members of the public and partner agencies:** should be encouraged to first raise their concerns directly with the staff member they have been dealing with or with Customer Services if they are unsure who they have been dealing with. If the matter is not resolved informally then they should be directed to Maidstone Borough Council's Corporate Complaints Procedure. The welfare of the child or vulnerable adult will always remain paramount.
- 8.3 **Maidstone Borough Council employees:** should report their concerns to their Line Manager or the Lead Designated Safeguarding Officer immediately for investigation. Alternatively, employees may also report this through Maidstone Borough Council's Whistleblowing Policy. If employees do not wish to raise their concerns internally they can report their concerns to the national Child Abuse Whistleblowing Helpline (0800 028 0285 or email help@nspcc.org.uk).
- 8.4 The investigation will ascertain whether the policy has been followed correctly and if any subsequent action is required to remedy the situation. The welfare of the child or vulnerable adult will always remain paramount.

9. INFORMATION SHARING AND DATA PROTECTION

- 9.1 Information sharing is vital to safeguarding and promoting the welfare of children and vulnerable adults. A key factor in many serious case reviews has been a failure to record information, to share it, to understand its significance and then take appropriate action.
- 9.2 **Government guidance, Safeguarding Practitioners:** Information Sharing Advice (March 2015), highlights seven golden rules for information sharing regarding children, young people, parents and carers. These rules are also helpful with regards to working with vulnerable adults:

- 9.3 Remember: that the Data Protection Act 1998 and human rights law **are not barriers to justified information sharing**, but provide a framework to ensure that personal information about living individuals is shared appropriately
- 9.4 Be open and honest with the individual (and/or their family where appropriate) from the outset about why, what, how and with whom information will, or could be shared, and seek their agreement, unless it is unsafe or inappropriate to do so
- 9.5 Seek advice from other practitioners if you are in any doubt about sharing the information concerned, without disclosing the identity of the person where possible.
- 9.6 Share with informed consent where appropriate and, where possible, respect the wishes of those who do not consent to share confidential information.
- 9.7 You may still share information without consent if, in your judgement, there is good reason to do so, such as where safety may be at risk. You will need to base your judgement on the facts of the case. When you are sharing or requesting personal information from someone, be certain of the basis upon which you are doing so. Where you have consent, be mindful that an individual might not expect information to be shared
- 9.8 Consider safety and well-being: base your information sharing decisions on considerations of the safety and well-being of the individual and others who may be affected by their actions
- 9.9 **Justified, Authorised, Proportionate, Auditable, and Necessary (JAPAN):** Ensure that the information you share is necessary for the purpose for which you are sharing it, is shared only with those individuals who need to have it, is accurate and up-to-date, is shared in a timely fashion.
- 9.10 Keep a record of your decision and the reasons for it whether it is to share information or not. If you decide to share, then record what you have shared, with whom and for what purpose.
- 9.11 Maidstone Borough Council is a signatory to the Kent and Medway Information Sharing Protocol and is committed to close working with partners in matters relating to safeguarding and protecting children and vulnerable adults.

10. SAFE RECRUITMENT

- 10.1 All Maidstone Borough Council employees will be appointed in accordance with its Recruitment and Selection Policy and Procedures and its policy on Disclosures Barring Service checks on employees. These are designed to provide a rigorous and thorough selection process and to carry out all necessary checks, particularly on individuals seeking to work with children, young people and vulnerable adults.

Disclosure Barring Service (DBS) Checks

- 10.2 There are three types of Disclosure Barring Service (DBS) checks: standard, enhanced and enhanced with a barred list check;
- 10.3 **Standard DBS checks:** are for people entering certain professions, such as members of the legal and accountancy professions. Standard checks contain the following: Convictions, cautions,

reprimands and warnings held in England and Wales on the Police National Computer (PNC), relevant convictions in Scotland and Northern Ireland may also be included. Standard checks no longer include a check of the old or new barred lists from 12 October 2009.

- 10.4 **Enhanced DBS Checks:** Also referred to as an enhanced disclosure. These are for posts that involve a far greater degree of contact with vulnerable groups including children. In general the type of work will involve regularly caring for, supervising, training or being in sole charge of such people. Examples include a Teacher, Scout or Guide leader. Enhanced checks are also issued for certain statutory purposes such as gaming and lottery licences.
- 10.5 This level of check involves an additional level of check to those carried out for the Standard DBS check - a check on local Police records. Where local Police records contain additional information that may be relevant to the post the applicant is being considered for, the Chief Officer of Police may release information for inclusion in an enhanced check.
- 10.6 **Enhanced DBS Check with barred list check – (child), (adult), (child and adult):** Enhanced checks with information from the DBS' children and adults barred list is only available for those individuals engaged in regulated activity with vulnerable groups including children and a small number of posts as listed in the Police Act regulations, for example prospective adoptive parents.
- 10.7 Source of information [Guidance](#) and [Disclosure and Barring Service](#).
- 10.8 Maidstone Borough Council requires employees to have an enhanced DBS check if they have unsupervised contact with children, young people and vulnerable adults or fulfil a Safeguarding role such as a Designated Safeguarding Officer.
- 10.9 Line Managers are responsible for deciding which of their employees require a DBS check and for ensuring that DBS checks are kept up to date, through liaising with Human Resources.
- 10.10 For contractors and agency staff, Maidstone Borough Council has a policy of requiring all relevant contractors and agency staff who have access/contact with children, young people and vulnerable adults to undergo an enhanced DBS check. The contract must stipulate whether a current DBS disclosure is required.

11. TRAINING

- 11.1 Employees must accept and be able to recognise their responsibilities with regard to their own good practice and the reporting of signs of suspected abuse or neglect to either the Police or Kent County Council and understand Maidstone Borough Council's statutory obligation to ensure confirmation is received from Kent County Council that any referrals made are being actively dealt with. Everyone with access to children and vulnerable adults shall have regular training.
- 11.2 Training needs and opportunities relating to child and adult safeguarding and protection issues will be identified and addressed through Maidstone Borough Council's Induction and Appraisal Procedures, and in response to any changes in legislation. Training may include internal courses/workshops, externally accredited courses/seminars or workshops.
- 11.3 Staff acting as Designated Safeguarding Officers will be required to refresh their training every two years.

12. EQUAL OPPORTUNITIES

12.1 The Equality Act 2010 places a legal obligation on public authorities to have due regard to the need to eliminate unlawful discrimination, harassment and victimisation; to advance equality of opportunity; and to foster good relations, between persons with different protected characteristics. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation. Maidstone Borough Council will have full and proper regard to the Equality Act 2010 when making safeguarding referrals under this policy, so as to avoid any possible indirect discriminatory impact on particular groups.

13. REVIEW

13.1 All referrals made by Maidstone Borough Council and the responses that they receive from Kent County Council, are recorded centrally and will be reviewed regularly through the Safeguarding Steering Group.

13.2 **Reviewing this policy:** This policy will be reviewed in line with any changes in legislation and the periodical reviews of the Kent and Medway Safeguarding Policy, Protocols and Guidance.

14. LEGISLATION, GUIDANCE AND REFERENCE

14.1 This policy has been developed in line with the principles of the [Children Act 1989](#), the [Children Act 2004](#), the [Care Act 2014](#) and the [Kent Safeguarding Children Board](#) and [Kent and Medway Safeguarding Adults Board](#) procedures. Further guidance and reference can be obtained from the following:

Safeguarding Children	
Working Together to Safeguard Children	Department for Education (2015)
What to do if you're worried a child is being abused	Department for Education (2015)
Safeguarding Practitioners: Information Sharing Advice	HM Government (2015)
Tackling Child Sexual Exploitation: a resource pack for councils	Local Government Association (2014)
Child Sexual Exploitation: Warning Signs and Vulnerabilities Checklist	Children's Commissioner (2013)
Kent and Medway Safeguarding Children Procedures	Kent Safeguarding Children Board
Kent Inter-Agency Threshold Criteria for Children and Young People	Kent Safeguarding Children Board
Kent and Medway Safeguarding Children Abused through Sexual Exploitation Procedures	Kent Safeguarding Children Board
Kent and Medway Sexual Exploitation Risk Assessment	Kent Safeguarding Children Board

Toolkit	
Safeguarding Vulnerable Adults	
Care and Support Statutory Guidance	Department of Health (2014)
No Secrets: Guidance on developing and implementing multi-agency policies and procedures to protect vulnerable adults from abuse	Department of Health (2000) (Note: this guidance has been superseded by Care and Support Statutory Guidance)
Making Safeguarding Personal	Local Government Association (2014)
Kent and Medway Safeguarding Adults Policies, Protocols and Guidance	Kent and Medway Safeguarding Adults Board
The Kent and Medway Multi-Agency Protocol for Dealing with Cases of Domestic Abuse to Safeguard Adults at Risk	Kent and Medway Safeguarding Adults Board
The Kent and Medway Multi-Agency Policy and Procedure to Support People who Self-Neglect	Kent and Medway Safeguarding Adults Board
Other Guidance and Reference	
Guidance: duty to notify the Home Office of potential victim of slavery	Home Office
MS1 Notification of Potential Victim of Modern Slavery Form	Home Office
Prevent – Kent Channel Panel Referral Form	Kent Channel Panel
Multi-Agency Statutory Guidance on Female Genital Mutilation	HM Government (2016)

14.2 This policy and the accompanying guidance should also be read in conjunction with the following Maidstone Borough Council documents which can be found on the Intranet:

- [Recruitment and Selection Policy and Procedures](#)
- [Induction Procedure](#)
- [DBS checks](#)
- [Comprehensive Equalities Policy](#)
- [Employee and Member Codes of Conduct](#)
- [Health, Safety and Welfare Policy](#)
- [Disciplinary Policy and Procedure](#)
- [Data Protection Policy](#)

Appendix 1 – CONTACT INFORMATION

MAIDSTONE BOROUGH COUNCIL

CEO and Chair of Safeguarding Steering Group

Alison Broom

Maidstone Borough Council, Maidstone House, King Street, ME15 6JQ

Tel: 01622 60 2019

Email: AlisonBroom@maidstone.gov.uk

Hayley Bourner – PA to Alison Broom

Tel: 01622 60 2018

Email: HayleyBourner@maidstone.gov.uk

Matt Roberts – Lead Designated Safeguarding Officer (LDSO)

Community Partnerships & Resilience Manager, Housing, Communities & Environment

Tel: 01622 60 2404

Email: MattRoberts@maidstone.gov.uk

Jayne Bolas – Legal Advisor

Legal Services)

Tel: 01622 60 2181

Email: JayneBolas@Maidstone.gov.uk

MAIDSTONE BOROUGH COUNCIL DESIGNATED SAFEGUARDING OFFICERS

KENT COUNTY COUNCIL

SPECIALIST CHILDRENS SERVICES (SCS)

Specialist Children's Services Central Duty Team

Tel: 03000 41 11 11

Fax: 03000 412 345 (only to be used if secure email or password protected files are not an option)

Out of hours: 03000 41 91 91

Email: centraldutyteam@kent.gcsx.gov.uk

Penny Ademuyiwa - Maidstone Integrated Family Support Service Manager

Tel: 03000 410 060

Email: Penny.Ademuyiwa@kent.gov.uk

Early Help and Preventative Service

Hema Birdi - District Manager Maidstone

Tel: 03000 411 407

Email: Hema.Birdi@kent.gov.uk

Triage Team

Tel: 03000 41 92 22

Email: earlyhelp@kent.gov.uk

Local Authority Designated Officers (LADO)

Kroner House, Eurogate Business Park, Ashford, TN24 8XU

Tel: 03000 41 08 88

Email: kentchildrenslado@kent.gov.uk

Kent Adult Social Services

Central Duty Team

Tel: 03000 41 61 61

Fax: 03000 412 345 (only to be used if secure email or password protected files are not an option)

Out of hours: 03000 41 91 91

Mental Health Team

Tel: ????

Learning Disability Team

Tel: ????

Older Persons and Physical Disability Team

Tel: ????

KENT POLICE

Operation Willow – Child Sexual Exploitation Team

Email: cse.team.kent.and.medway@kent.pnn.police.uk

Tel: 01622 652 668

Staff can send a CSE intelligence report via secure email to; cse.intelligence@kent.pnn.police.uk

Kent Channel Panel

Staff can send Channel referrals via secure GCSX email to; channel@kent.pnn.police.uk

HOME OFFICE

Modern Slavery – Duty to Notify

Modern Slavery Helpline

Tel: 0800 0121 700

Email: dutytonotify@homeoffice.gsi.gov.uk

NSPCC Child Abuse Whistleblowing Helpline

Tel: 0800 028 0285

Email: help@nspcc.org.uk

Appendix 2

SAFEGUARDING STEERING GROUP TERMS OF REFERENCE

Purpose

To lead on safeguarding children and vulnerable adults and to ensure that all employees recognise and understand their responsibility to report any signs of abuse and neglect.

Responsibilities

To oversee and steer the development, promotion and review of the Council's Safeguarding Policy
To provide a platform for the discussion of all aspects of safeguarding issues and ensure liaison and where appropriate, joint working internally between Council Departments/Directorates and externally with Kent County Council's Specialist Children's Services and Adult Care and Support Services.

To review any reports made by employees of suspected abuse or neglect.

To oversee the Safeguarding Training Plan for employees, councillors, contractors and other stakeholders deemed appropriate by legislation or Steering Group decision.

To review and, if necessary, prioritise recommendations/action plans based on national guidance, local priorities etc.

To ensure that the Corporate Leadership Team is kept regularly informed of progress in developing and implementing the Council's safeguarding requirements.

To ensure that other key stakeholders (employees, councillors, contractors, customers, community groups etc) are kept informed of the activities of the Steering Group through annual reports and by communicating key messages/information as appropriate, through a variety of media/methods, including the Council's intranet and internet.

Membership

Safeguarding Champion: Alison Broom, Chief Executive Officer

Lead Designated Safeguarding Officer: Matt Roberts, Community Partnerships & Resilience Manager
John Littlemore, Head of Housing, Communities & Environment

Policy Lead / Member Services: ???

Legal Advisor: Jayne Bolas

Safeguarding Children's Liaison: Penny Ademuyiwa, Kent County Council

Safeguarding Vulnerable Adults Liaison: TBC, Kent County Council

Other co-opted members as and when specialist input is required.

Responsibilities

Feedback into their work areas and drive forward the Council's safeguarding agenda as part of their overall work programmes.

Report back to the Group on progress made in their work areas.

Report back to the Group on issues related to safeguarding, that arise through their work areas.

Accountability

The Group is accountable to the Corporate Leadership Team (CLT)

Frequency of meetings

Meetings will be held on a quarterly basis unless otherwise necessary.

Minutes and reports

1. The Safeguarding Board will produce a set of minutes from each meeting.
2. Quarterly reports on actions and plans will be presented to the CLT / WLT.

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