

Teignbridge District Council

Safeguarding Policy

September 2024

1.0 Policy Commitment

1.1 Teignbridge District Council believes that all children, young people and adults have the right to be safe and deserve protection from harm and abuse. The council is committed to safeguarding from harm all children, young people and adults with care and support needs (see definition in 3.1 relating to the Care Act 2014) using any council services and involved in any of their activities, and to treat them with respect during their dealings with the council, our partners and contractors. **Safeguarding is everyone's responsibility.**

2.0 Aims of the Policy

2.1 The aims of the policy are to:

- Clarify the roles and responsibilities of all parties within scope of the policy
- Minimise chances of abuse through effective Council recruitment and selection procedures
- Have procedures in place for dealing with concerns through the process of timely and appropriate reporting of issues to Devon County Council or other relevant agencies.
- Support the promotion of a safe working environment and a culture of care in which the rights of all children, young people and adults with care and support needs are protected and respected and have the right to be safe.
- Provide a framework for developing partnerships with appropriate external bodies e.g. Devon Safeguarding Childrens Partnership and Torbay and Devon Safeguarding Adults Partnership, to ensure that the policy continues to reflect legal and best practice requirements in respect of the responsibility of care of children, young people and adults with care and support needs
- Ensure the importance of listening to children and adults at risk and responding appropriately.
- To provide a **Safeguarding Flow Chart for Line Managers**

3.0 Scope of this policy

3.1 An **Adult** under the scope of this policy means any person who is 18 years of age or over, and who has needs for care and support (whether or not the local authority is meeting any of those needs) 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.

3.2 A **child** is anyone who has not yet reached their 18th birthday and includes unborn children. Due to their immaturity and dependency on others, all children are at risk of abuse

- 3.3 Care leavers up to the age of 25. The primary function for providing services specifically for care leavers in Teignbridge rests with Devon County Council. However, the Council recognises its role in providing services that care leavers may access in particular housing, homelessness and homeless prevention.
- 3.4 It includes all employees and elected members of the council
- 3.5 Volunteers and other workers involved in the provision of council services but not employed by the council, including workers in organisations with whom the council has contracts for the delivery of services.
- 3.6 This document is primarily concerned with protecting children, young people and adults with care and support needs from harm. However, it is important to remember that safeguarding has a wider meaning which includes the promotion of welfare and taking action to enable all children, young people and adults with care and support needs to have the best life outcomes.
- 3.7 The policy does not cover health and safety issues related to safeguarding children such as use of play equipment or provision of food at events. Separate guidance on this and appropriate behaviours when dealing with children and adults with care and support needs, should be read in conjunction with this policy.
- 3.8 The Council recognises the difference between adults at risk and children when it comes to the approaches used in safeguarding. Consent is a legal requirement for safeguarding adults, unless the adult either lacks capacity; is at significant risk of harm; a crime could be prevented or an employee is an alleged perpetrator of the suspected abuse. Consent **is not** required when considering making a safeguarding referral for a child, however in the appropriate circumstances, speaking with the parent/guardian prior to referrals is seen as best practice. We recognise the importance of the wishes and feelings of a child, however these may sometimes be contradicted in order to act in the child's best interests.
- 3.9 This policy should also be read in conjunction with the following documents:
- Disciplinary Policy
 - Grievance Policy
 - Whistle Blowing Policy
 - Equality Policy
 - Complaints & Feedback Policy
 - Health & Safety at Work Policy and Procedures
 - ICT Acceptable Use and Security Policy
 - Hackney Carriage and Private Hire Licensing Policy
 - Statement of Priorities (Licensing Act 2003)
 - Statement of Licensing policy
 - Sex Establishments Licensing Policy
- 3.10 The South Devon and Dartmoor Community Safety Partnership also deals with certain safeguarding issues on more strategic and County-wide basis such as domestic and sexual violence and abuse, modern slavery, child sexual exploitation and preventing violent extremism. The Community Safety and Safeguarding Manager has a joint responsibility for managing the CSP in addition to being the Designated Safeguarding Lead and is able to ensure that strong links are maintained between the two policy areas.

4.0 Definitions

- 4.1 **Safeguarding** means protecting people's health, wellbeing and human rights, and enabling them to live free from harm, abuse and neglect.
- 4.2 **Abuse** is an act, or lack of appropriate action, which causes harm or distress and occurs within a relationship where there is an expectation of trust. Abuse or neglect takes many forms and can be caused by single or repeated acts or a failure to act by any other person or persons, or in the case of self-neglect, the victim themselves. The circumstances of each individual case will be considered as to not limit what constitutes abuse or neglect.
- 4.3 **At risk** includes those who are unable to take care of or protect themselves; and whose independence and well-being is at risk without support because they are vulnerable.

5.0 District Council responsibilities

- 5.1 This policy is based on the Council's responsibilities under:
- 4.1.1 The Care Act 2014, in particular Sections 42 to 46 related to safeguarding [Care Act 2014 \(legislation.gov.uk\)](#). The Act sets out six important principles of safeguarding:
- Empowerment: presumption of person led decision and informed consent.
 - Prevention: it is better to take action before harm occurs.
 - Proportionality: proportionate and least intrusive response appropriate to the risks presented.
 - Protection: support and representation for those in greatest need.
 - Partnership: local solutions through services working with the communities.
 - Accountability: accountability and transparency in delivering safeguarding.
- 5.1.2 The Children Act 2004, specifically Section 11 which places a duty on key people and public bodies, including district councils, to make arrangements to ensure that their functions are discharged with regard to the need to safeguard and promote the welfare of children. New Statutory guidance has been issued in 2023: [Working together to safeguard children - GOV.UK \(www.gov.uk\)](#) Further information can be found at: <http://www.legislation.gov.uk/ukpga/2004/31/contents>
- 5.1.3 The Children and Social Work Act 2017 sets out how all local authorities should approach their Corporate Parenting responsibilities for looked after children and care leavers. For district councils this includes Housing, Leisure and Recreation and Local Taxation Collection as set out in the [statutory guidance](#).
- 5.1.4 The Counter Terrorism and Security Act 2015 section 26 which places a duty on certain bodies, in the exercise of their functions, to have due regard to the need to prevent people from being drawn into terrorism. The Prevent Agenda is one of four strands which makes up the Governments counter-terrorism strategy. Further information can be found at: <http://www.legislation.gov.uk/ukpga/2015/6/contents>
- 5.1.5 The Modern Slavery Act 2015. Further information can be found at: <http://www.legislation.gov.uk/ukpga/2015/30/contents/enacted>
- 5.1.6 The Anti-Social Behaviour, Crime and Policing Act 2014 in particular Part 10 relating to forced marriage. Further information can be found at: <http://www.legislation.gov.uk/ukpga/2014/12/contents/enacted>

- 5.1.7 The Serious Crime Act 2015 particularly Part 5 relating to female genital mutilation, child cruelty and domestic abuse. Further information can be found at: <http://www.legislation.gov.uk/ukpga/2015/9/contents/enacted>
- 5.1.8 The Domestic Abuse Act 2021 Part 1 Sec 3 provides that children who witness domestic abuse are now counted as victims in their own right.
- 5.1.9 Serious Violence Duty within the Police, Crime, Sentencing and Courts Act 2022. The statutory guidance requires specified authorities (including district councils) to focus on youth violence when setting their definition of serious violence. It also encourages a focus on domestic abuse and sexual offences.
- 5.1.10 The Devon Adolescent Safety Framework provides a route to protect young people from extra familial violence such as exploitation and sits alongside the usual statutory child protection procedure that deal with intra familial abuse. <https://www.dcfp.org.uk/training-and-resources/policies-and-procedures/adolescent-safety-framework-safer-me/>
- 5.1.11 Devon County Council procedures for managing allegations against staff and Local Authority Designated Officer (LADO) role. [Managing allegations - Devon Safeguarding Children Partnership \(devonscp.org.uk\)](http://www.devonscp.org.uk/Managing%20allegations%20-%20Devon%20Safeguarding%20Children%20Partnership)
- 5.1.12 The Statutory Taxi and Private Hire Vehicle Standards <https://www.gov.uk/government/news/new-standards-to-improve-safety-for-taxi-and-private-hire-vehicle-passengers>

6.0 Key Teignbridge contacts

Senior Leadership Team Lead for Safeguarding	Amanda Pujol Business Lead for Housing and Health	amanda.pujol@teignbridge.gov.uk 01626 215301
Designated Safeguarding Lead (DSL)	Rebecca Hewitt Community Safety and Safeguarding Manager	rebecca.hewitt@teignbridge.gov.uk 01626 215873
Deputy Designated Safeguarding Lead (DDSL)	Gary Wilson Anti Social Behaviour and Safeguarding Officer	gary.wilson@teignbridge.gov.uk 01626 215152
Human Resources Lead	Tim Slater Head of Human Resources and Organisational Development Manager	tim.slater@teignbridge.gov.uk 01626 215118
Portfolio Holder for Safeguarding	Councillor Linda Goodman-Bradbury	Linda.Goodman-Bradbury@Teignbridge.gov.uk

7.0 Responsibilities

- 7.1 The Managing Director has overall responsibility for the Council's safeguarding arrangements. The Community Safety and Safeguarding Manager is currently appointed as the 'Designated Corporate Safeguarding Lead'.

- 7.2 Responsibility for the implementation of this policy lies at all levels of the council. Safeguarding is everyone's responsibility.
- 7.3 When there are safeguarding concerns about a child, young person or adult at risk ALL staff and elected members will immediately assess if the person is at immediate risk of harm or if a crime is being committed. If there is immediate risk they should call 999 without delay. If there is not thought to be an immediate risk, they should contact the DSL or DDSL, in their absence they should speak with their line manager.
- 7.4 **Elected Members**
- Members are collectively responsible for ensuring that the Council has a policy, which adequately provides protection for children and adults with care and support needs in receipt of its services and for the regular review of this policy in the light of changes to legislation or regulation.
 - Each Teignbridge District Councillor has the personal responsibility to comply with the policy.
 - Undertaking safeguarding training upon induction and to attend refresher training when provided.
 - Ensure that they are familiar with and understand the policies and procedures relating to their Council work with or in the vicinity of children and adults with care and support needs.
 - Treating all those children and adults with whom they come into contact while carrying out their Council duties equally and with respect.
 - Reporting to the DSL or the DDSL any concerns they may have about abuse or a lack of care of children and adults with care and support needs either from other Councillors, staff, from carers, parents or those in place of a parent or between members of the group.
 - Members are encouraged to report urgent concerns directly to Devon County Council's Multi-Agency Safeguarding Hub (MASH) (for Children) or Care Direct (Adults), or other agencies such as the Police.
 - The Executive Member for Housing and Communities has lead responsibility for safeguarding, supported by other relevant Cabinet Members as necessary.
 - Members of the Regulatory Committee have responsibility for ensuring that those hackney carriage and private hire vehicle drivers to whom they grant licences are fit and proper people to hold such licences.
- 7.5 Senior Leadership Team (SLT)
- SLT are required to ensure good governance of the Council and has responsibility to make sure this policy is consistently applied and taken into account when setting strategic direction and reviewing performance.
 - The Managing Director is the lead officer with overall responsibility for the organisation's safeguarding arrangements
 - Ensure appropriate Safeguarding Ambassadors are identified for their service areas
 - Receive quarterly reports from the Safeguarding Lead on case management and respond to identified areas of concerns or capacity
- 7.6 **Designated Safeguarding Lead (DSL) and Deputy Designated Safeguarding Lead (DDSL)**
- Recommend to SLT and Members new/revised policies, so that the Council can safeguard children and adults in accordance with its legal obligations.

- Implementing a performance framework and reporting on the Council's safeguarding performance.
- Promote the Safeguarding Policy within the Council.
- Ensure there is a secure central record relating to allegations and investigations.
- Work with other district authorities to share best practice and create a shared culture for Devon.
- Advocate the importance of safeguarding to partners, contractors and customers
- Receive concerns, gather information and agree a course of action which may involve taking advice from the relevant partner agency/County Council service: this could include complex matters such as consent and whether parents/carers should be notified. Make a decision about how to proceed and whether to make a formal referral and undertake any direct intervention required
- Working with colleagues to improve practice across the organisation
- Attending appropriate courses and updating of safeguarding legislation
- Supporting the Safeguarding Ambassadors by holding regular meetings and providing inputs on key issues
- Advocate the importance of safeguarding to partners, contractors and customers
- Support staff where necessary
- If there is disagreement on the appropriate course of action to take, the DSL has the final decision

7.7 Human Resources

- Working with senior managers in maintaining a record of those posts, requiring a DBS disclosure together with the level of disclosure required and ensuring these are undertaken in compliance with legislation and DBS guidance
- Developing and maintaining a robust Recruitment policy and associated working practices in line with the principles of 'Safer Recruitment'
- Ensuring that appropriate Safeguarding training is delivered to staff
- Supporting senior managers in dealing with allegations of abuse or lack of care by staff
- Referring information to the DBS and Local Authority Designated Officer (LADO) about employees who have been dismissed or removed from working with vulnerable groups (or would have been had they not left/resigned) as a result of a relevant caution/conviction, conduct that has harmed or put a child/vulnerable adult at risk of harm, or satisfied the 'Harm Test' in relation to vulnerable groups
- Ensure support is provided for staff who have been affected by their involvement in a safeguarding case

7.8 Line managers

- Identifying those services and posts that are likely to have an involvement with children and adults with care and support needs, and undertaking an appropriate risk assessment of posts in respect of Disclosure & Barring Service (DBS) disclosure requirements.
- Ensuring that those people appointed by them to the Council, whose normal duties fall into the definition of regulated activity as defined in the Safeguarding Vulnerable

Groups Act 2006 and amended by the Protection of Freedoms Act 2012, are subject to the appropriate level of DBS disclosure and are appropriately qualified and/or trained in working with these groups.

- When a concern is reported make contact with the Safeguarding Lead or Deputy Safeguarding Lead and in their absence follow the Procedure for Line Managers found in Appendix One
- Ensure that proper records are kept of any incidents occurring within their service and that these are held securely and/or passed on to the Council's human resources team if the incident involves an employee.
- Ensure that employees, volunteers and other workers dealing with these groups are adequately trained and aware of their responsibilities in this area.
- Ensure that external contractors delivering Council services are aware of the Council's expectation that workers are aware of and abide by the standards of behaviour expected of council employees.
- Ensure that any evidence or complaint of abuse or lack of care is reported to the appropriate body e.g. Devon County Council, Safeguarding Board or the Police, and to the Council's Human Resources team where employees, volunteers and contractors are involved and to the Monitoring Officer where Members are involved. The DSL needs to be copied into any reports.
- Ensure that employees and others do not work with children or adults with care and support needs on regulated activities without an appropriate DBS disclosure.
- Ensure that adequate supervision and support is available to those who have been directly involved in dealing with safeguarding cases, including a debrief of the case and any relevant outcomes.

7.9 **Safeguarding Ambassadors**

- Attend regular meetings called by the DSL
- Maintain an understanding of the key safeguarding risks as directed by the Safeguarding Lead
- Be a point of contact for the service area, check the facts of the concern and discuss with the Safeguarding Lead or Deputy Safeguarding Lead
- Work with colleagues to improve practice across the organisation

7.10 **All staff**

All employees and particularly those working with children and adults with care and support needs are responsible to:

- Ensure that they are familiar with and understand the policies and procedures relating to their work with or in the vicinity of children and adults with care and support needs.
- Ensure that they feel confident in working within this environment and working with their managers to ensure that they have the knowledge and skills to carry out their tasks in this context.
- Treat all those children and adults with whom they come into contact while carrying out their work according to their needs and with respect.
- Listen to and take account of the wishes and feelings of children and adults that they work with, both in individual decisions and the development of service

- If there is an immediate concern and risk of harm or a crime is being committed call 999 immediately
- Report to the DSL or DDSL if they have concerns about abuse or a lack of care of children and adults with care and support needs. In the absence of the DSL or DDSL report to your Line Manager
- Ensure that they take care of their own welfare related to distressing or difficult cases and engage in appropriate levels of support as required by the situation or the organisation.
- Undertake mandatory safeguarding training upon induction and every three years.
- If there are concerns about the wellbeing of a colleague speak to Human Resources
- Ensure the details of the any concerns remain confidential and any notes are kept securely

7.11 Volunteers, contractors, consultants and other workers

- Work with employees of the council, to the same standard, in ensuring the safety and well-being of children and adults with care and support needs within their scope
- Participate in any training or development opportunities offered to them to improve their knowledge of skills in this area
- Managers to ensure that any volunteers/work experience placements are suitably risk assessed proportionate to the role they are due to undertake
- Report any concerns to to the DSL or DDSL

8.0 Events and land hire

- 8.1 Any organisation who has lease agreements or regularly hire out or lease Council facilities or open spaces, should have appropriate safeguarding procedures in place. They should also ensure any volunteer or employee that has unsupervised contact with children, young people or adults with care and support needs undertakes a relevant DBS check.
- 8.2 Any safeguarding concerns on Council land should be reported to DSL or DDSL. 999 should be called if it is thought there is immediate risk or harm, or a crime is being committed.

9.0 Grant applications

- 9.1 All organisations seeking funding from the Council are expected to have appropriate safeguarding policies and procedures in place according to the level and type of their activities. Such policies should include DBS checks for all employees and volunteers working with children, young people and adults with care and support needs. Evidence of these policies and procedures may be requested as part of the grant making process.

9.0 Confidentiality and information sharing

- 9.1 The Council will share information appropriately with partners that have a statutory responsibility to investigate safeguarding concerns, including Devon County Council

and Devon & Cornwall Police. Safeguarding partners will work jointly to provide advice, support and protection to the individual.

- 9.2 Information can be shared lawfully within the parameters of the Data Protection Act 2018 and the General Data Protection Regulation (GDPR). The Council will ensure that all colleagues understand that data protection does not prevent the sharing of information where it would protect the welfare of and/or promote the wellbeing of adults or children. However, it is essential that careful consideration be given to information sharing as in some cases risk could be increased.
- 9.3 Emergency or life-threatening situations may warrant the sharing of relevant information with the relevant emergency services without consent.

10.0 Mental capacity and best interest

- 10.1 People must be assumed to have capacity to make their own decisions and be given all practicable help before they are considered not to be able to do so. If there is a concern that an adult may lack capacity around making a specific decision a referral must be made to Devon County Council Adult Social Care. Where an adult is found to lack capacity, then any action taken, or any decision made for, or on their behalf, must be made in their best interests. Professionals and other stakeholders have a responsibility to ensure they understand and always work in line with the Mental Capacity Act 2005. Any concerns must be referred to Devon County Council Adult Social Care.

11.0 Partnership working arrangements

- 11.1 There are a number of partnership frameworks that consider concerns raised about safeguarding, many of these sit within legislative frameworks. These include Section 42 enquiries for adults at risk, Child in Need, Section 47 and the Adolescents Safety Framework for Children. Housing Officers and often engaged in these meetings but for any other staff the DSL should be notified of corporate involvement.
- 11.2 Effective working together depends on resolving disagreements to the satisfaction of colleagues and partner agencies, and a belief in partnership and joint working for the ultimate benefit of the adult at risk, child or young person. The focus within this Council will be to ensure resolution and the continuation of good partnership working, managing disagreements professionally and escalating concerns where necessary. The welfare and safety of the individuals must remain the focus.

12.0 Corporate Parenting

- 12.1 Section 1 of the Children and Social Work Act 2017 applies a set of Corporate Parenting principles to any council “whenever they exercise a function in relation to looked-after children or care leavers”. For a district council the primary impact of this is in relation to the duty to accommodate, council tax support, access to leisure and employment skills development.

- 12.2 The seven Corporate Parenting principles set out the principles that local authorities must have regard to when exercising their functions in relation to looked after children and young people, as follows:
- to act in the best interests, and promote the physical and mental health and wellbeing, of those children and young people
 - to encourage those children and young people to express their views, wishes and feelings
 - to take into account the views, wishes and feelings of those children and young people
 - to help those children and young people gain access to, and make the best use of, services provided by the local authority and its relevant partners
 - to promote high aspirations, and seek to secure the best outcomes, for those children and young people
 - for those children and young people to be safe, and for stability in their home lives, relationships and education or work; and
 - to prepare those children and young people for adulthood and independent living

13.0 The Local Authority Designated Officer (LADO) process

- 13.1 The LADO is a statutory role which sits within Devon County Council Children Services. The LADO is responsible for coordinating the response to concerns that an adult who works with children may have caused them or could cause them harm. The LADO also gives advice and guidance to employers, organisations and other individuals who have concerns about the behaviour of an adult who works with children and young people. Included in this group are volunteers, agency staff and foster carers as well as people who are in a position of authority and have regular contact with children.
- 13.2 The LADO should be alerted to all cases in which it is alleged that a person who works with children has:
- behaved in a way that has harmed, or may have harmed, a child
 - possibly committed a criminal offence against children, or related to a child
 - behaved towards a child or children in a way that indicated they may pose a risk of harm to children.
 - behaved or may have behaved in a way that indicates that they may not be suitable to work with children.
- 13.3 Allegations of non-recent abuse should be referred in the same way as current concerns.
- 13.4 If a Council staff member or Member becomes aware of a situation as outlined in 13.2 above they should immediately alert the DSL in in their absence a member of SLT and either:
- The HR and OD Manager where a member of staff is involved, or
 - The Monitoring Officer where an elected member is involved, or
 - The Food Health and Safety Manager in cases which involve a license issued by the Council,

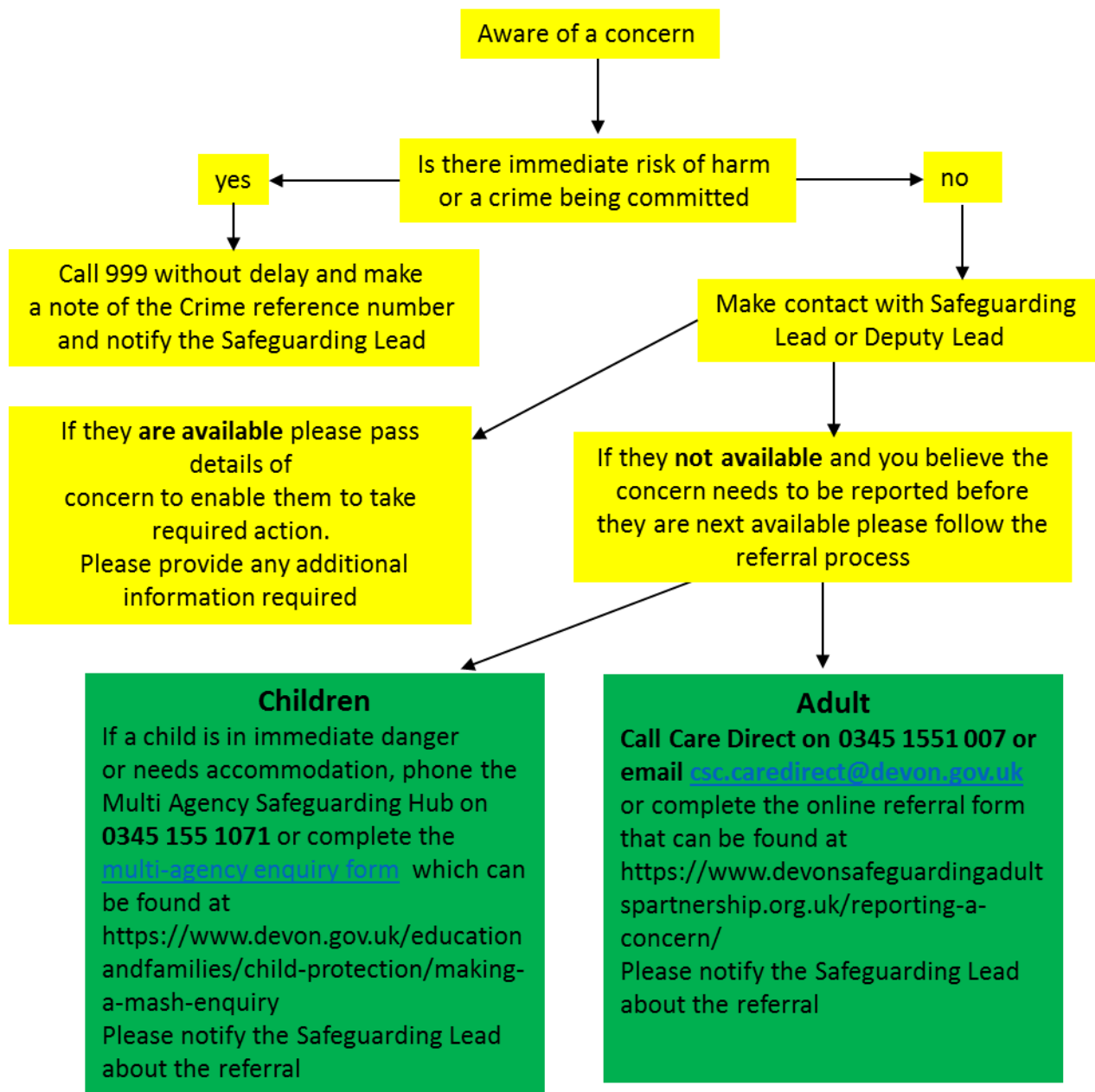
who will then inform the LADO within 1 working day.

- 13.5 Having assessed the referral the LADO may arrange one or more Managing Allegations Meetings liaising with the police and other agencies as necessary. Attendance at a LADO Managing Allegations Meeting should be always be made by two officers together to ensure that if total confidentiality is required (e.g. to safeguard an ongoing police investigation) the weight of responsibility does not fall to one officer alone. The DSL should be consulted before attending.

14.0 Review

- 14.1 This Policy should be reviewed every three years or sooner if required by the DSL and/or SLT. This will include an on-going review of guidance, both nationally and locally, to ensure the Council meets requirements to safeguard children, young people and adults, and there are appropriate procedures and protocols in place.
- 14.2 The safeguarding function will be reviewed via Internal Audit and resulting recommendations will be addressed to ensure compliance.

Safeguarding Flow Chart for Line Managers



Ensure that all information is kept confidential and check that any staff involved are not effected by their involvement, refer to HR if you have any concerns

When making a referral please find below a list of the information that may be required

- Your name, role and contact details
- Name, address and date of birth of the subject of your concern
- Details of any parents or carers relevant to the subject of concern
- Details of anyone who may be involved in the harm, neglect or abuse
- If consent has been provided for the referral, if not, why it has not been requested, which may be because this may put the subject at increased risk
- Is there any relevant history known for this person
- Details of any specific incident of concern, time, location, witnesses and professionals involved etc

- Actions taken so far, have you referred to anyone else i.e. the Police or have you taken any immediate action to safeguard