

Corporate Safeguarding Policy

Version Control Sheet

Title: **Safeguarding Policy**

Purpose: **Mid Devon District Council is committed to safeguarding from harm all children, young people and adults with care and support needs using any Council services and involved in any of their activities and to treat them with respect during their dealings with the Council's staff and elected members and our partners and contractors.**

Owner: **Corporate Manager for Public Health, Regulation and Housing**

Email: snewcombe@middevon.gov.uk

Telephone Number: **01884 244615**

Date: **February 2024**

Version Number: **4.0**

Status: **Final Draft for Approval (minor change made after Community PDG)**

Review Frequency: **Every 3 years**

Next review date: **April 2027 unless the legislation has been significantly amended**

Consultation **This document was developed in consultation with the following:**

Safeguarding Champions Group
Safeguarding Policy Review Working Group
Councillors Jane Lock and David Wulff (Portfolio Holder)
Devon Safeguarding Children Partnership (Devon SCP)
Claire Fry – MDH
Laura Woon – Democratic Services Manager
Chris Grose Consulting (Housing Safeguarding Lead/external specialist)

Document History

This document obtained the following approvals and is valid on the date printed.

Title	Date	Version Approved
Safeguarding Policy – Community PDG	20/11/2018	1
Scrutiny Committee	14/01/2019	2
Cabinet	07/02/2019	2
Safeguarding Policy – Community PDG	22/03/2022	3
Cabinet	05/04/2022	3
Safeguarding Policy – Community PDG	26/03/2024	4
Cabinet (for final approval)	04/06/2024	4

SAFEGUARDING POLICY

1. Introduction

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

1.2 We aim to act as an exemplar of safeguarding practice providing strong leadership and improving safeguarding standards through having a robust safeguarding policy and monitoring system.

1.3 Definitions – Safeguarding of Adults

1.3.1 **Safeguarding** means protecting people's health, wellbeing and human rights, and enabling them to live free from harm, abuse and neglect. Safeguarding adults at risk includes:

- protecting their rights to live in safety, free from abuse and neglect
- people and organisations working together to prevent the risk of abuse or neglect, and to stop them from happening
- making sure people's wellbeing is promoted, taking their views, wishes, feelings and beliefs into account
- recognising that adults sometimes have complex interpersonal relationships and may be ambivalent, unclear or unrealistic about their personal circumstances and therefore potential risks to their safety or wellbeing.

1.3.2 **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 can be:

- a crime
- perpetrated by anyone
- the result of neglect, omission, or failure to act
- unintentional or a result of a lack of knowledge
- consist of a single or repeated acts
- occurring in any relationship

1.3.3 **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 through:

- age
- having a long-term limiting illness or condition
- being in an abusive relationship
- having a physical, learning or mental health disability
- frailty
- having been in care
- having been in prison or other institution

1.3.4 An **Adult** under the scope of this policy means any person who is 18 years of age or over, and who is or may be in need of community care services by reason of, for example a physical or mental disability, a learning difficulty, reduced physical or mental capacity due to old age, dependency on drugs, alcohol or medication and who is or may be unable to take care of him/herself or unable to protect him/herself against significant harm or serious exploitation.

1.4 Definitions – Safeguarding of Children

1.4.1 Child safeguarding is defined as:

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

1.4.2 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.

1.4.3 The term **parent** includes carers or guardians. It means, in usual circumstances, someone who is legally entitled to take decisions on behalf of the child.

1.4.4 **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. However the Council will reference the *Working Together* definition for abuse:

‘A form of maltreatment of a child. Somebody may abuse or neglect a child by inflicting harm, or by failing to act to prevent harm. Children may be abused in a family or in an institutional or community setting by those known to them or, more rarely, by others (e.g. via the internet). They may be abused by an adult or adults, or another child or children.’

2. 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.
- Ensure the importance of listening to children and adults at risk and responding appropriately.
- Promote best practice in how employees, elected members and associated workers interact with children, young people and adults with care and support needs while providing Council services.

- Develop clear guidance and procedures for those employees, elected members and associated workers and ensure through training and support that they are aware of these and able to implement them.
- Provide a framework for developing partnerships with appropriate external bodies e.g., Devon Safeguarding Children 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.
- Provide a framework for local Practical Guidance to exist for the consideration and management of safeguarding via the MDDC Safeguarding SharePoint Page.
- To provide a '**Summary Safeguarding Process Chart - Safeguarding Guidance for Staff and Members**' enclosed at Appendix 1 of this policy.

3. Scope of the Policy

3.1 The policy is in respect of the Council's responsibility towards:

- Children and young people legally defined as any person under the age of 18. From this point the terms child or children will be used to refer to this group.
- Care leavers up to the age of 25. The primary function for providing services specifically for care leavers in Mid Devon rests with Devon County Council. However the Council recognises its role in providing services that care leavers may access in particular its housing, homelessness and homeless prevention services.
- Adults to whom the safeguarding duty applies. These are adults with care and support needs who are defined under the Care Act 2014 and for the purposes of this policy, as anyone over the age of 18 who:
 - has need for care and support (whether or not the local authority is meeting any 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.
- The employees of the Council who have dealings with children, young people and adults with care and support needs and who are required to act in a position of trust and to act responsibly and within the law.
- The employees and Members of the Council who, while not required to act in a position of trust, will come into contact with members of these groups on a regular basis during the course of their work.
- Employees and Members involved in decision making with regard to licensing.
- Volunteers and other workers involved in the provision of Council services but not employed by the Council, including workers in organisations with which the Council has contracts for the delivery of services.

3.2 It covers all the functions and services of the Council, Members, staff, partners and contractors.

3.3 This document is primarily concerned with protecting children, young people and adults with care and support needs from harm and providing guidance on how to deal with issues. 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.

- 3.4 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.
- 3.5 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.
- 3.6 In accordance with this statutory framework, this policy should be read in conjunction with other Council policies which promote wellbeing.

4. Legal Framework

- 4.1 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. 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.

Further information can be found at: [Care Act 2014 \(legislation.gov.uk\)](https://www.legislation.gov.uk)

- 4.1.2 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 \(www.gov.uk\)](https://www.gov.uk/government/consultations/working-together-to-safeguard-children) Further information can be found at: [http://www.legislation.gov.uk/ukpga/2004/31/contents](https://www.legislation.gov.uk/ukpga/2004/31/contents)
- 4.1.3 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](#).
- 4.1.4 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](https://www.legislation.gov.uk/ukpga/2015/6/contents)
- 4.1.5 The Modern Slavery Act 2015. Further information can be found at: [http://www.legislation.gov.uk/ukpga/2015/30/contents/enacted](https://www.legislation.gov.uk/ukpga/2015/30/contents/enacted)

- 4.1.6 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>
- 4.1.7 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>
- 4.1.8 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.
- 4.1.9 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.
- 4.1.10 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/>
- 4.1.11 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)
- 4.1.12 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>

5. Supporting structures, policies and procedures

- 5.1 The Corporate Management Team (CMT) has oversight of safeguarding practice within the Council and responsibility to drive forward improvements and disseminate and implement the policy within their area of responsibility. The Group meets weekly however a specific safeguarding update is presented to CMT quarterly. This will be disseminated to Leadership Team (LT) informally, although a more formal annual report will be submitted to LT
- 5.2 The Chief Executive has overall responsibility for the Council's safeguarding arrangements. The Corporate Manager for Public Health, Regulation and Housing is currently appointed as the '**Designated Corporate Safeguarding Lead**'.
- 5.3 In addition the Council has appointed a '**Corporate Safeguarding Officer**' responsible for co-ordinating the implementation of the policy and providing a single point of contact.
- 5.4 The **Designated Corporate Safeguarding Lead** has responsibility for:
- recommending to LT and Members new/revised policies, so that the Council can safeguard children and adults in accordance with its legal obligations.
 - developing procedures, implementing a performance framework and reporting on the Council's safeguarding performance to LT, CMT and Members.
 - promoting the policy within the Council.

- procuring and directly providing training, so that officers can undertake their safeguarding roles successfully and efficiently.
- ensuring there is a secure central record relating to allegations and investigations.
- working with other district authorities to share best practice and create a shared culture for Devon.
- advocating the importance of safeguarding to partners, contractors and customers
- ensuring all safeguarding policies, procedures and guidelines are implemented and promoted

5.5 In addition the Corporate Safeguarding Officer chairs a Safeguarding Champions Group made up of a number of staff across the different services of the Council. This group will have an operational overview of safeguarding issues in service areas, together with actions that could be taken.

5.6 **Safeguarding Champions** have responsibility for:

- Receiving concerns, discussing them with whoever has raised the concern and taking advice from the relevant partner agency / Devon County Council service: this could include complex matters such as consent and whether parents/carers should be notified.
- Supporting colleagues from other Services with advice, if their relevant Safeguarding Champion is unavailable.
- Liaison with the relevant Team / Service Manager, and making a decision about how to proceed and whether to make a formal referral. If there is disagreement on the appropriate course of action to take then the Corporate Safeguarding Officer / Corporate Safeguarding Lead will advise and make the final decision. Where a member of staff is dissatisfied with the decision of the Corporate Safeguarding Officer / Lead, they should report their concerns to their line manager in the first instance and can still make a referral if they have strong concerns.
- Ensuring the procedure is followed on such matters as making a referral, confidentiality and recording.
- Working with colleagues to improve practice across the organisation.
- In the event of an incident or query, if a Safeguarding Champion or the Corporate Safeguarding Officer (or escalation to the Corporate Safeguarding Lead) are not available, staff should go straight to the relevant partner agency / Devon County Council service. They can be supported by their line manager but details of any incident must not be shared any wider than absolutely necessary.
- Attending appropriate courses and remaining updated on safeguarding legislation, policy and practice.

5.7 Any staff who has a safeguarding concern should in the first instance discuss the matter with any one of the Safeguarding Champions and/or their line manager who will make a decision whether or not to refer the matter to the appropriate external organisation. A suite of supporting procedural documents is made available to all staff on the Council's SharePoint site.

5.8 The Mid & East Devon Community Safety Partnership (CSP) also deals with some safeguarding issues on more strategic and district-wide basis such as domestic and sexual violence and

abuse, modern slavery, child sexual exploitation and preventing violent extremism. The Specialist Lead for Community Safety and Safeguarding (which encompasses the role of Corporate Safeguarding Officer) sits on the Safeguarding Champions group and the CSP and hence is able to ensure that strong links are maintained between the two policy areas.

5.9 The Mid Devon Housing Anti-Social Behaviour Policy contains a commitment that the Council will appropriately risk assess all complaints and prioritise accordingly, acting as swiftly as possible to protect people and property. There may be a legal obligation to share relevant information with other statutory agencies e.g. if there is a safeguarding concern about the complainant where there are allegations of domestic abuse, and/ or about the perpetrator.

5.9 This policy should also be used in conjunction with the following documents:

- Disciplinary Procedure
- Grievance Procedure
- Whistle Blowing Policy
- IT Acceptable Use Policy
- Equality and Diversity Policy
- Complaints & Feedback Procedure
- Dignity at Work Policy
- Health & Safety at Work guidance
- Disclosure & Barring Service Policy
- Modern Slavery Transparency Statement
- Hackney Carriage and Private Hire Policy
- Statement of Licensing Policy
- The Corporate Anti-Social Behaviour Policy
- The Mid Devon Housing Anti-Social Behaviour Policy
- The Mid Devon Housing Hoarding Policy
- The Mid Devon Housing Vulnerability Policy
- Domestic Violence & Abuse Employment Policy

6. Responsibilities

6.1 Responsibility for the implementation of this policy lies at all levels of the Council. Safeguarding is everyone's responsibility.

6.1.1 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 Mid Devon District Councillor has the personal responsibility to comply with the policy.

Members are responsible for:

- Undertaking mandatory safeguarding training upon induction and to attend refresher training when provided.
- Ensuring 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 Designated Corporate Safeguarding Lead (or in his/her absence, the Corporate Safeguarding Officer), 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 Portfolio Holder for Community and Leisure 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.

The Democratic Services Manager will provide information on the training needs of elected members and preferred methods of learning

6.2 Employees

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

- Ensuring 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.
- Ensuring 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.
- Treating all those children and adults with whom they come into contact while carrying out their work equally and with respect.
- Listening to and taking account of the wishes and feelings of children and adults that they work with, both in individual decisions and the development of service
- Reporting to a Safeguarding Champion or line manager, or to make a MASH enquiry (for Children) or contact Care Direct (for adults) with a referral, if they have concerns about abuse or a lack of care of children and adults with care and support needs, either from other staff, carers, parents or those in place of a parent or between members of the group, providing they feel confident and competent to do so
- Taking personal responsibility for their own welfare related to distressing or difficult disclosure of case outcomes and engaging in appropriate levels of support as required by the situation or the organisation.
- Undertaking mandatory safeguarding training upon induction and every three years.
- Ensuring they take account of the Section 11 Duty in the Children Act 2004 to make arrangements to ensure that the Council's functions are discharged with regard to the need to safeguard and promote the welfare of children in all decision making.

6.3 LT 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.

Members of CMT are further responsible for:

- Implementation of this policy and ensuring that all necessary procedures and practices are in place to provide adequate protection both for the individuals in these groups but also protection for the employees involved with them.
- Ensuring that the procurement framework for the Council includes expectations upon contractors to demonstrate effective safeguarding practices for all their staff.
- Identifying, commissioning and monitoring the Council's safeguarding training needs and attainment of the required training standards.

6.4 Operations and Service Leads (or equivalent senior line manager roles) are responsible for:

- 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.
- Ensuring 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.
- Ensuring that employees, volunteers and other workers dealing with these groups are adequately trained and aware of their responsibilities in this area.
- Ensuring 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.
- Ensuring 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.
- Ensuring that employees and others do not work with children or adults with care and support needs on regulated activities without an appropriate DBS disclosure.
- Working with other associated agencies to ensure the proper transfer of information relating to dealings with children and adults with care and support needs, where necessary.
- Ensuring 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.

6.5 Human Resources are responsible for:

- Working with senior managers in maintaining a record of those posts requiring a DBS disclosure together with the level of disclosure required, and checking when DBS checks need updating.
- Developing and maintaining a robust Recruitment policy and associated working practices in line with the principles of 'Safer Recruitment' (See [Safer recruitment | NSPCC Learning](#)).

- Ensuring that DBS Disclosures are carried out in compliance with legislation and DBS guidance.
- Maintaining a DBS Policy in accordance with best practice.
- 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.

6.6 **Volunteers, contractors, suppliers and consultants and other workers** are responsible for:

- Working 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.
- Participating in any training or development opportunities offered to them to improve their knowledge of skills in this area.

6.7 A requirement to comply with equality legislation will be included in all contracts and service level/delivery agreements. Failure to comply may lead to the termination of contracts. Organisations doing business with the Council are welcome to adopt the Council's safeguarding policy for their own use.

7. **Events and land hire**

7.1 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.

7.2 A positive disclosure is a certificate that shows cautions, warnings or convictions. They may show spent convictions and also unspent convictions and for enhanced checks, they will also show information that a police force deems relevant to disclose based on the nature of the job that the individual will be undertaking. The organisation will be required to use a positive disclosure & barring service disclosure decision sheet to make an assessment about a volunteers' suitability to be named as the safeguarding representative for the event.

7.3 Any safeguarding concerns on Council land should be reported to Corporate Safeguarding Officer or a safeguarding representative. (Not negating a need to call police in a safeguarding emergency) safeguarding representatives are able to provide further advice and support to groups or organisations.

8. **Grant applications**

8.1 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.

8.2 As a minimum, an organisation will be expected to have a policy statement or procedure relating to safeguarding. Commissioned, contracted or grant funded organisations with minimal contact

with children, young people and vulnerable adults may wish to adopt the Council's Corporate Safeguarding Policy and procedures if deemed suitable.

9. 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.
- 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.
- 9.3 Emergency or life-threatening situations may warrant the sharing of relevant information with the relevant emergency services without consent.
- 9.4 It is very important that the risk of sharing information is also considered. In some cases, such as domestic abuse or hate crime, it is possible that sharing information could increase the risk to the individual. Safeguarding partners shall work jointly to provide advice, support and protection to the individual.

10. 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.
- 10.2 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. Partnership Working, Escalation and Resolution

- 11.1 **Section 42 Enquiries** – The Council recognises that safeguarding adults at risk requires a multi-agency approach. Devon County Council may carry out Section 42 Enquiries which may involve this Council sharing information, attending meetings, putting in protection measures to protect an adult from abuse and/or neglect and in some cases perhaps leading on an enquiry. The Council will comply with obligations highlighted within the Care Act 2014 in relation to Section 42 Enquiries.
- 11.2 **Disagreements** - 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. At no time must any professional disagreement undermine the safeguarding of an adult at risk. The welfare and safety of the individual must remain paramount throughout.
- 11.3 Where a Council employee feels they do not have sufficient experience to challenge a partner agency, they must seek guidance from the Designated Corporate Safeguarding Lead or the Corporate Safeguarding Officer.

11.4 **Safeguarding Adult Reviews (SARs)** - A Section 44 Safeguarding Adult Reviews will be undertaken by the Torbay & Devon Safeguarding Adults Partnership in the event of a tragedy or near miss. The objective of the review is to learn lessons and not to apportion blame. The Council will co-operate with the Torbay & Devon Safeguarding Adults Partnership in carrying out its statutory obligations under Section 44 of the Care Act 2014.

11.5 **Safeguarding Practice Reviews** – The Devon Safeguarding Children Partnership are required, under the statutory guidance Working Together to Safeguard Children 2023, to undertake a Rapid Review for serious child safeguarding cases where:

- abuse or neglect of a child is suspected and
- the child has died or been seriously harmed.

All agencies, such as the Council, who had been involved with the subject child or family will be required to contribute to the Rapid Review. The Council will co-operate with any such reviews.

12. 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

12.3 The lead officer for Corporate Parenting is the Designated Corporate Safeguarding Lead and the lead member is the Portfolio Holder for Community & Leisure which includes safeguarding.

12.4 Section 2 of the Children and Social Work Act 2017 requires each local authority to consult on and publish a local offer for its care leavers. The local offer should provide information about all the services and support that is available to care leavers from the local authority, including information about both their statutory entitlements as well as any discretionary support that a local authority chooses to provide.

13. 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 co-ordinating 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 contemporary 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 Corporate Safeguarding Lead (and in his absence the Chief Executive or a Director) and either:

- the Corporate Manager for People, Governance & Human Resources where a member of staff is involved, or
- The Monitoring Officer where an elected member is involved, or
- the Corporate Manager for Public Health, Regulation & Housing (where different to the Corporate Safeguarding Lead) in cases which involve a licence 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.**

14. Review

14.1 This policy and the related guidance will be reviewed **every three years** or sooner if required by the Designated Corporate Safeguarding Lead and/or CMT. 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 Council's scrutiny function will also have a role in scrutinising and challenging the Corporate Safeguarding Policy and the work of the Safeguarding Champions Group. An annual report will be submitted to the Community PDG.

This policy should be read with the Council guidance and procedures.

This policy can be made available in large print and other formats such as printed on yellow paper, taped, etc. as requested.

Appendix 1 MDDC Summary Safeguarding Process - Safeguarding Guidance for Staff and Members.

EVERY Staff & Member has a DUTY to report Safeguarding Concerns and share information.

If you think a child or adult is in immediate danger or a crime has been committed, then always contact the police on 999.

Remember to stick to what is factual or your professional opinion when reporting safeguarding concerns.

Check the client's file/records for any professionals they are already working with and keep them involved.

Staff member discusses the concern about a child or adult at risk with their line manager and/or Safeguarding Champion; Or the Corporate Safeguarding Officer; Or the Corporate Safeguarding Lead.

If it involves a member of staff, then raise with HR. If it involves a Councillor, then raise with the Monitoring Officer

Councillors wishing to raise a concern can seek advice from the Safeguarding Lead (or Safeguarding Officer) but should report direct to Adult Social Care or the Children's Front Door (MASH). Send a copy of the form to the MDDC Safeguarding Lead.

Staff member records details of the incident if not already done so and what action they took in line with the **Corporate Safeguarding Policy**.

[For Adults](#)
Contact Adult Social Care for advice – 0345 155 1007 and use the Devon County Council referral form: [Safeguarding Adult Concern Referral Form 0.5.docx](#)

[For Children](#)
Use the DSCP online link [Devon Safeguarding Children Partnership](#) to make a request to the Children's Front Door. 0345 155 1071

Please ensure you have forwarded a copy of the referral form to the MDDC Safeguarding Officer.

If no automated email receipt is received within 24 hrs:
Check with Adults Social Care or The Children's Front Door (MASH). The form may need to be submitted again.

If it is required the Corporate Safeguarding Lead will make a referral to the Local Authority Designated Officer (LADO) at Devon County Council if the allegation involves a member of staff, or if involving a Councillor the referral will be made in liaison with the Monitoring Officer.

If a concern is raised to Adult Social Care they will start an enquiry if it reaches the Section 42 Care Act criteria.

If a referral is made to the Children's Front Door for a child they will start an enquiry if it meets the threshold.

An email recording the safeguarding decision will be sent to the originating officer for their info. Please forward this to the MDDC safeguarding officer

If your concerns need an urgent response call the agency you have referred to and prompt them to check your referral. This part of the process should be completed within 24hrs.

The agency that concerns have been raised with should confirm receipt within 24 hrs. For a Young Person/Child contact the Devon Children's Front Door- [Devon Safeguarding Children Partnership](#). 0345 155 1071
For Adults Social Care- [Report your concern - Devon Local Authority boundaries - Devon](#)