

**Denbighshire
County Council**

Policy and Guidelines Safeguarding Children & Adults

Approved
September 2013
Review date
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1. INTRODUCTION

- 1.1 One of Denbighshire County Council's corporate priorities is to ensure that vulnerable people are protected and are able to live as independently as possible
- 1.2 As a council, we believe that every child and adult has a right to be safe from harm. The Council acknowledges its role and responsibilities to provide definite guidance for staff, Councillors, partners and those people whom we serve in this key field
- 1.3 "Safeguarding" is everybody's business in every Service within the Council. Whilst Social Services is the lead Service for dealing with enquiries regarding allegations / concerns that children and adults may be suffering significant harm, everyone has a responsibility to safeguard the welfare of children, young people and adults whatever the role of the individual
- 1.4 "Safeguarding" is a wider concept that the protection of children and adults and deals with the promoting of:-
 - Physical, emotional and mental health
 - Protection from harm and neglect
 - Education, training and leisure
 - Contribution to society
 - Social and economic well-being
- 1.5 Although every organisation working with children, young people and adults should be committed to safeguarding and promoting their welfare, a number of organisations have statutory roles or duties:-
 - Under Section 28 of the Children Act 2004, Denbighshire County Council has a duty to ensure that it undertakes its function in a way that safeguards and promotes the welfare of children
 - Under Section 17 of the Crime and Disorder Act 1998, it is Denbighshire Council's duty to ensure that every reasonable step is taken to protect adults and prevent crime and disorder when it undertakes its functions
 - Under Part 7 of the Social Services and Well-being (Wales) Act 2016. There is a new overarching duty in the Act to promote the well-being of people who need care and support. In the ACT well-being is defined with eight common aspects, one of which is protection from abuse and neglect. In relation to a child, well-being also includes their physical, intellectual, emotional, social and behavioural development, and their welfare (ensuring they are kept safe from harm).

2. PURPOSE OF THIS DOCUMENT

The purpose of this document is to introduce the Council's "Policy and Guidelines for Safeguarding Children and Adults".

This document will be submitted to the Denbighshire Council Cabinet on 24th September 2013 and to Full Council on 8th October 2013. Every member of staff of the Council and every Councillor will then receive a copy of this document.

2.1 Objectives and Principles of the Policy and Guidelines

2.1.1 The following are the objectives of the Safeguarding Policy and Guidelines:-

- to highlight how Denbighshire Council undertakes its legal commitments in the field of Safeguarding children and adults
- to give assurance to members of the public, service users, Councillors, employees and people working on behalf of the Council that there are clear arrangements in place to safeguard and protect children and adults
- that Council staff and Councillors have clear guidelines for when a child or adult may be at risk of harm

2.1.2 As a Council we believe that it is always unacceptable for a child or an adult to be abused or harmed in any way. This is reflected in the following principles which form the basis of the Policy and Guidelines:-

- every child and adult (whatever their background, culture, age, disability, gender, ethnicity, religious belief) has a right to participate in a safe society without any violence, fear, abuse, bullying and discrimination
- every child and adult has the right to be protected from harm, exploitation and abuse
- we as a Council will put the welfare of children and adults centrally in our policies and procedures
- as a Council we will work closely in partnership with children, their parents, carers and adults and other agencies to safeguard and promote the welfare of children and adults
- respect the rights, wishes, feelings and privacy of children and adults by listening to them and minimising any risks that may affect them
- invest in preventative work and early intervention and try to avoid situation where abuse or allegations of abuse or harm may occur

2.2 Outcomes

- 2.2.1 This policy and Guidelines reflect the Councils commitment to safeguard children and adults and to protect them from being abused when they receive services arranged and provided by or on behalf of the Council
- 2.2.2 When the Guidelines are introduced, we will measure the impact regularly in order to achieve the following high level outcomes:-
- a clear understanding amongst staff, Councillors and those working on behalf of the Council of the policies and guidelines for safeguarding children and adults
 - robust corporate and departmental procedures in place to ensure compliance with the Policies and Guidelines introduced here
 - clear and accessible communication arrangements in place across the organisation, including information about key officers in each Service who are responsible for children and adult safeguarding issues
 - consistency between these guidelines and the procedures which are operational on an all-Wales basis and associated protocols for safeguarding children and adults
 - that staff and Councillors receive information and training regarding the guidelines and that this is a continuous and permanent arrangement within the organisation

3. RESPONSIBILITIES AND DUTIES

- 3.1 Every Councillor, every member of staff, every volunteer and every contracted service provider has a responsibility to adhere to the procedures and guidance set out in this policy
- 3.2 By following the correct procedures and guidance, it is possible to ensure that the appropriate steps are implemented to deal with any allegation or concern, services are planned and delivered in a way which safeguards children and adults and staff are able to conduct themselves safely
- 3.3 Every member of staff, Councillor, volunteer and service provider has a responsibility in the field of safeguarding. It is very important to highlight this
- 3.4 This means that every Service within the Council has a key role to play and has to take full ownership of the safeguarding field. It follows that there is a need to ensure that there are clear arrangements and procedures in place within each Service in the Council to ensure that investigations into allegations / concerns that children and adults may be suffering substantial harm receive due consideration. In addition, every service needs to understand where safeguarding issues are most likely to arise in their particular service and ensure they have appropriate policies, procedures and guidance in place to manage these well

3.5 This document draws together the corporate policies and guidelines in the field of safeguarding children and adults and it will operate as a framework for the procedures of every Service in the Council

4. FUNCTIONS AND KEY OFFICERS AND MEMBERS

The Chief Executive has the general responsibility for ensuring that there is an effective safeguarding policy and procedures for children and adults in place and that they are implemented.

He is also responsible for the development of effective corporate governance and satisfying all the statutory requirements however, there are some Key Officers who are worth highlighting because of their responsibilities in the safeguarding field.

4.1 Corporate Director Communities (and Statutory Director of Social Services) – **Nicola Stubbins**

4.1.1 The Corporate Director (Communities) has the final and indivisible responsibility for safeguarding issues. She is responsible for ensuring that the Council has appropriate safeguarding measures to protect children and young people, adults at risk and she is responsible for reporting at a corporate level to Councillors on their effectiveness

4.1.2 The Corporate Director Communities, in line with the Code of Practice on the Role of Directors of Social Services under Part 8 (Social Services Functions) of the Social Services and Well-being (Wales) Act 2014, is responsible for the following:-

- Safeguarding children and adults at risk of abuse or neglect is everyone's responsibility. However, the director of social services must show leadership to ensure effective safeguarding arrangements are in place both within the local authority and by relevant partners.
- The director of social services must oversee and report to councillors, on a consistent basis, regarding the operation, monitoring and improvement of child and adult safeguarding systems within the local authority.
- Defined arrangements with other officers within the local authority, particularly the head of adult services and head of children services, must be clear in relation to delegation and reporting arrangements related to safeguarding issues.
- Both Safeguarding Children Boards and Safeguarding Adult Boards must include a representative with a sufficient level of seniority from each local authority within the Board's area. This includes, but is not limited to, the director of social services.

In the absence of the director, another officer who is acceptable to the director and of sufficient seniority may attend in their place.

- Each partner has equal responsibility for the exercise of functions of Safeguarding Boards, rather than being a specific local authority function. The director of social services must support effective partnership working and ensure safeguarding duties are effectively discharged collaboratively by Safeguarding Boards. These include in relation to:
 - Contributing to the review and development of policies and procedures to safeguard children and adults at risk;
 - Raising awareness of abuse, neglect and harm in a Board's area;
 - Regularly reviewing the effectiveness of local safeguarding measures;
 - Undertaking and ensuring lessons are learnt from Child Practice Reviews and Adult Practice Reviews;
 - Disseminating information about safeguarding best practice and learning;
 - Ensure practitioners across all safeguarding partners are receiving or have access to appropriate safeguarding training; and
 - Ensuring there are effective, understood and publicised arrangements for the reporting of children and adults suspected of being at risk of abuse or neglect.

4.1.3 Whilst every member of staff has a responsibility to safeguard and promote the welfare of children and adults, the Corporate Director Communities is the Senior Officer in the Council with the final and indivisible accountability for this

4.2 **Designated Managers within Every Service**

4.2.1 Every Service within the Council will be required to nominate a "Designated Manager" for dealing with safeguarding children and adults issues

4.2.2 The Designated Managers are responsible for:-

- Acting as a key source of advice and support for other staff in the Service on safeguarding issues
- Being familiar with Denbighshire Council's Corporate Policy and Guidelines for Safeguarding Children and Adults along with the All Wales Child Protection Procedures and the Policy and Procedure for the Protection of Vulnerable Adults
- Ensuring that there are effective internal procedures to deal with concerns within the Service by working closely with Social Services to achieve this
- Representing the Service on the Council's Corporate Panel for Safeguarding Children and Adults

- Ensuring that the process of complying with this Policy and Guidelines is monitored by reporting regularly to the Corporate Safeguarding Panel
- Attending the relevant training for “Designated Managers”

4.2.3 Any member of staff with concerns regarding the behaviour of a colleague towards children or an adult should contact the Designated Manager of the Service immediately

4.2.4 The Designated Managers for each Service are as follows:-

Department	Contact
CET	Nicola Stubbins
Legal, HR and Democratic Services	Catrin Roberts, Emma Safhill, Nia Grisdale
Finance and Assets	Alastair McNab and Sarah Turney
Planning and Public Protection	Glesni Owen and Emlyn Jones
Education & Children’s Social Care	Karen Evans, Colin Tucker and Wayne Wheatley
Business Improvement & Modernisation	Liz Grieve
Community Support Services	Phil Gilroy and Nerys Tompsett
Highways and Environmental Services	Ian Kemp
Communication, Marketing and Leisure	Roger Ellerton

4.2.5 If allegations are made against a “Designated Manager”, the individual should refer their concerns to the line manager of the Designated Manager

4.3 All Heads of Service

4.3.1 All Heads of Service – through their management teams - will be jointly responsible for ensuring that all the statutory requirements in terms of safeguarding and promoting the welfare of children and adults receive due consideration. This includes the quality, content and frequency of training provided and maintaining sufficient staff training records

4.3.2 All Heads of Service must ensure that their staff are appropriately checked through the Disclosure and Barring Service procedures and that their staff conform to the Policy and Guidelines for Safeguarding Children and Adults. All Heads of Service must establish arrangements to ensure that they comply with the requirements of this policy and the Councils Criminal Records Policy. All Heads of Service must ensure that records are kept of every check that is made by the Disclosure and Barring Service

4.3.3 All Heads of Service are expected to co-ordinate the process of preparing a Policy and Guidelines for Safeguarding Children and Adults in their Service. It is expected that this Policy is prepared in order to highlight the Services arrangements for

responding to issues that could arise in the safeguarding field. It will be a requirement for the Policy to fully comply with the Corporate Policy and Guidelines. Every Service Policy and Guidelines will be in place and reviewed by the end of March 2016

4.3.4 It will be a requirement for every Service in the Council to report on their Safeguarding Policies and Guidelines to the Corporate Panel for Safeguarding Children and Adults

4.3.5 The Councils Senior Leadership Team meets on a fortnightly basis. At these meetings, any member can raise safeguarding issues

4.4 Every Line Manager

4.4.1 Every Line Manager is responsible for ensuring that that staff for which they are responsible receive the training which they need, proportionate to their responsibilities. A refreshed Training Strategy will be prepared setting out which members of staff should receive safeguarding training and to what level. A priority will be the training of Designated Safeguarding Managers in each service

4.5 Every Member of Staff and Volunteers (including School Governors)

4.5.1 Every member of staff and volunteers are responsible for undertaking their duties in a manner which safeguards and promotes the welfare of children and adults. They must also act in a way which protects them against false allegations of abuse as far as possible and in accordance with this policy. They must bring issues of concern regarding the safety and welfare of children and adults to the attention of the Designated Manager in their Service

4.6 Contractors, Sub-contractors or Other Organisations funded by or on behalf of Denbighshire Council

4.6.1 Contractors, sub-contractors or other organisations funded by or on behalf of the Council are responsible for arranging checks through the Disclosure and Barring Service and the Independent Safeguarding Authority and for ensuring that their staff comply with regulatory and contractual arrangements relating to safeguarding children and adults. Some organisations are also required to undertake an annual self assessment of safeguarding arrangements, and to report outcomes, as part of contract monitoring arrangements. It is expected that this will apply to more organisations over time. Contractors are also responsible for informing relevant managers of the Council about any concern they may have and to refer protection issues

4.7 Detailed Guidelines

- 4.7.1 A copy of “Signs of Abuse” is attached at Appendix 1 and the “Code of Conduct and Safe Working Practices” at Appendix 2
- 4.7.2 Also, in Appendix 3, a statement is attached of the Councils commitment to train staff (and Councillors) in the field of safeguarding. Appendix 4 cross refers to the Councils detailed guidelines in relation to “Safe Recruitment”

5. ROLE OF ELECTED MEMBERS

- 5.1 Elected Members will receive the following information in the field of Safeguarding:-
- The Leader of the Council, the Lead Member for Social Care, Adult and Children’s Services and the Lead Member for Education will be standing members of the Corporate Panel for Safeguarding Children and Adults. This Panel will receive information regarding the working practices and procedures of every Service in the Council, providing assurance that the Services are meeting their duties in accordance with the Corporate Safeguarding Policy and Guidelines. In addition, the Panel will also receive information regarding the performance management arrangements of every Service, in order to show that they are discharging their duties in a manner which safeguards children and adults
 - Members of the Panel will have an important role in challenging information regarding the results of the performance management process across services from the perspective of safeguarding children and adults. It is also the duty of Members of this Panel to ensure that effective corporate policies and procedures are developed across the organisation
 - Members of the panel will report on the work of the Corporate Panel to all Cabinet Members on an annual basis. Every Cabinet Member will receive that assurance that a clear work programme is in place and that the Councils policies and procedures are robust in the safeguarding field. In addition, it must be reported that appropriate arrangements are in place to monitor the performance of every Service regarding reviewing and evaluating policies. In the Annual Report there will also be an opportunity for the Lead Members serving on the Corporate Panel to highlight any obstacles or concerns they may have in terms of the response or performance of any Service in the Council
 - Any lessons from Serious Case Reviews will also be identified to Cabinet as part of the Annual Report
 - Members of the Performance Scrutiny Committee will receive information regarding the work of the Corporate Safeguarding Panel through the Annual Report. This will provide an opportunity for Members to Scrutinise and challenge Members of the Corporate Panel. Members of the Scrutiny Committee will receive information regarding the work programme of the Corporate Panel, the progress

against this work programme and the main messages stemming from the performance management arrangements. The observations of the Scrutiny Committee will steer and influence the priorities of the Corporate Panel's work programme

- It is a requirement that every Councillor attends training in the field of Safeguarding children and adults. A register will be kept of those attending and this will be reported as part of the performance monitoring arrangements co-ordinated by the Corporate Panel. The training will raise awareness amongst Denbighshire Councillors of this Policy and Guidelines and increase their understanding of the Safeguarding procedures which exist within the Council

- 5.2. A copy of the "Good Practice Guidelines for Councillors – Safe Contact with Children and Vulnerable Adults" is in Appendix 5

6. CLARITY REGARDING THE REFERRAL PROCESS

- 6.1 Any member of staff with concerns regarding the safety of an individual or the behaviour of a colleague towards children or an adult should contact the Designated Manager within the Service immediately

- 6.2 If there are concerns about the welfare or safety of a child, please contact the Children and Family Gateway on 01824 712200.

If the concern is about an adult at risk, please contact the Single Point of Access Team on 0300 4561000

- 6.3 For any concerns about children or adults outside of normal office hours the Social Services Out-of-Hours Team should be contacted on 0845 0533116 if the issue arises after 5.00 pm, Monday to Friday and on weekends and Bank Holidays

- 6.4 The Police must be contacted immediately if the child or adult is in danger

- 6.5 If the Designated Manager is unavailable, then the matter must be referred as above. It is crucial not to delay

- 6.6 A copy of the "Referral Procedure" is in Appendix 6. Also, a copy of the detailed guidelines in relation to "Dealing with Allegations of Professional Abuse" is in Appendix 7a and 7b

7. CORPORATE GOVERNANCE ARRANGEMENTS

- 7.1 **Corporate Panel for Safeguarding Children and Adults**

- 7.1.1 On a Corporate Level, the responsibility for undertaking an overview of the children and adults safeguarding arrangements has been delegated to the Corporate Panel for Safeguarding Children and Adults by Cabinet
- 7.1.2 The main responsibilities of the panel are to ensure that robust arrangements for safeguarding children and adults are in place within Denbighshire Council
- 7.1.3 The Panel will act on a strategic level in order to:-
- Assure Members that the Councils procedures are robust where matters of safeguarding children and adults are concerned
 - Bring together interdepartmental work in the safeguarding field and ensure effective corporate communication
 - Support the functions and duties of the Corporate Director Communities within the Council
 - Resolve any possible barriers that could prevent having effective and successful procedures in place
 - Identify any gaps in corporate policies and guidelines and ensure they are addressed, working appropriately with the Regional Safeguarding Boards and Local Delivery Groups.
 - Ensure that appropriate training is available for officers and members
 - Receive and consider information about trends in relation to allegations of professional abuse and adopt action plans to respond should the needs arise
 - Receive and challenge information about corporate safeguarding performance and the progress against work programmes commissioned
 - Consider and understand the implications of Serious Case Reviews and ensure that the Council responds effectively to recommendations within such reviews
 - Accept and challenge the Annual Report of the Statutory Director
 - Approve the Policy and Guidelines for Safeguarding of every Service in the Council and receive information about the performance management arrangements of every service in relation to their safeguarding responsibilities
 - Produce an Annual Report for CET, Cabinet and the appropriate Scrutiny Committee
- 7.1.4 The Panel has a key role to play in ensuring that every Service undertakes its duties in accordance with the Councils Safeguarding Policy and Guidelines. The Panel also ensures that every Service has a performance Management system in place to show that they are undertaking their functions in a manner which safeguards children and adults
- 7.1.5 The Panel meets on a quarterly basis. The Membership of the Panel includes Designated Managers for the field of safeguarding children and adults in every Service within the Council. The Panel is a key method of ensuring that the

Designated Managers collaborate and share information across the Council. They also deal with identifying any gaps in the Council's procedures in the safeguarding field along with submitting recommendations to the Corporate Panel regarding updating or amending the Council's Policy in this field. A copy of the Panel's Terms of Reference is in Appendix 8.

7.1.6 Cabinet receives an Annual Report from the Panel. The Corporate Executive Team also receives the Annual Report with more frequent reporting on an as and when required basis. This provides assurance to the Chief Executive that safeguarding is receiving its due attention within the Council

7.1.7 The Corporate Panel for Safeguarding Regional Children and Adults complements the role of the Safeguarding Boards in ensuring effective oversight of safeguarding across the wide range of services which the Council provides and commissions.

8. REPORTING, MONITORING AND REVIEWING

8.1 The Corporate Panel for Safeguarding Children and Adults Annual Report will draw attention to the Council's performance in complying with the Corporate Policy and Guidelines. In addition the Safeguarding Panel will contribute to the council's report to the Regional Safeguarding Board.

8.2 It is proposed to submit the Annual report every June.

8.3 The Corporate Panel for Safeguarding Children and Adults will receive a quarterly report noting the performance indicators and work programme progress.

8.4 This Safeguarding Policy will be reviewed annually or if any amendments occur in legislation or in consideration of changes in working practices which may stem from incidents or allegations

8.5 Further details are included in Appendix 9 regarding the method the Council will use to measure impact and monitor effectiveness

Appendices

Appendix 1 - Signs of Abuse

Appendix 2 - Code of Conduct and Safe Working Practices

Appendix 3 - Safeguarding Training

Appendix 4 - Safe Recruitment

Appendix 5 - Good Practice for Councillors: Safe Contact with Children and Vulnerable Adults

- Appendix 6 - The Referral Process
- Appendix 7a - Dealing with Allegations of Professional Abuse
- Appendix 7b - North Wales Version of the All Wales Protection of Vulnerable Adults
Professional Concern Protocol
- Appendix 8 - Corporate Panel for Safeguarding Children and Adults Terms of
Reference
- Appendix 9 - Measuring Impact and Monitoring

APPENDIX 1

Signs of Abuse

Signs of Abuse

This policy relates to both children and adults. They both have their individual codes of practice and relevant staff need to be familiar with these documents.

Children in Need

Abuse and neglect are forms of maltreatment of a child. Somebody may abuse or neglect a child either directly by inflicting harm, or indirectly, 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 a stranger. They may be abused by an adult or adults, or another child or children.

There are four types of child abuse. They are identified in the All Wales Child Protection Procedures and Welsh Government guidance *Safeguarding Children: Working Together under the Children Act 2004* as follows:

PHYSICAL ABUSE

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

The physical signs of abuse may include:-

- Unexplained bruising, mark or injuries on any part of the body
- Multiple bruises – in clusters, often on the upper arm, outside of the thigh
- Cigarette burns
- Human bite marks
- Broken bones
- Scalds, with upward splash marks
- Multiple burns with a clearly demarcated edge

N.B. most children will collect cuts and bruises as part of rough and tumble of daily life. Injuries should always be interpreted in light of the child's medical and social history, developmental stage and the explanation given. Most accidental bruises are seen over bony parts of the body, e.g. elbows, knees, shins and are often on the front of the body. Important indicators of physical abuse are bruises or injuries that are either unexplained or inconsistent with the explanation given, or visible on the 'soft' parts of the body where accidental injuries are unlikely, e.g. cheeks, abdomen, back and buttocks.

Changes in behaviour that can also indicate physical abuse:-

- Fear of parents being approached for an explanation
- Aggressive behaviour or severe temper outbursts
- Flinching when approached or touched
- Reluctance to get changed, for example in hot weather
- Depression or withdrawn behaviour
- Running away from home

EMOTIONAL ABUSE

Emotional abuse is the persistent emotional maltreatment of a child such as to cause severe and persistent adverse effects on the child's emotional development. It may involve conveying to children that they are worthless or unloved, inadequate, or valued only insofar as they meet the needs of another person. It may feature age or developmentally inappropriate expectations being imposed on children. It may involve causing children frequently to feel frightened or in danger, or the exploitation or corruption of children. Some level of emotional abuse is involved in all types of maltreatments of a child, though it may occur alone.

Changes in behaviour which can indicate emotional abuse include:-

- Neurotic behaviour e.g. sulking, hair twisting, rocking
- Being unable to play
- Fear of making mistakes
- Sudden speech disorders
- Self-harm
- Fear of parent being approached regarding their behaviour
- Developmental delay in terms of emotional progress

SEXUAL ABUSE

Sexual abuse involves forcing or enticing a child or young person to take part in sexual activities, not necessarily involving a high level of violence, whether or not the child is aware

of what is happening. The activities may involve physical contact, including assault by penetration (for example, rape or oral sex) or non-penetrative acts such as masturbation, kissing, rubbing and touching outside of clothing. They may also include non-contact activities, such as involving children in looking at, or in the production of, sexual images, watching sexual activities, encouraging children to behave in sexually inappropriate ways, or grooming a child in preparation for abuse (including via the internet).

The physical signs of sexual abuse may include:-

- Pain or itching in the genital area
- Bruising or bleeding near genital area
- Sexually transmitted disease
- Vaginal discharge or infection
- Stomach pains
- Discomfort when walking or sitting down
- Pregnancy

Changes in behaviour which can also indicate sexual abuse include:-

- Sudden or unexplained changes in behaviour e.g. becoming aggressive or withdrawn
- Fear of being left with a specific person or group of people
- Having nightmares
- Running away from home
- Sexual knowledge which is beyond their age, or development level
- Sexual drawings or language
- Bedwetting
- Eating problems such as overeating or anorexia
- Self-harm or mutilation, sometimes leading to suicide attempts
- Saying they have secrets they cannot tell anyone about
- Substance or drug abuse
- Suddenly having unexplained sources of money
- Not allowed to have friends (particularly in adolescence)
- Acting in a sexually explicit way towards adults

NEGLECT

Neglect is the persistent failure to meet a child's basic physical and / or psychological needs, likely to result in the serious impairment of the child's health or development. It may involve a parent or carer failing to provide adequate food, shelter and clothing, failing to protect a child from physical harm or danger, or the failure to ensure access to appropriate medical care or treatment. It may also include neglect of, or unresponsiveness to, a child's basic emotional needs.

The physical signs of neglect may include:-

- Constant hunger, sometimes stealing food from other children
- Constantly dirty or 'smelly'
- Loss of weight, or being constantly underweight
- Inappropriate clothing for conditions

Changes in behaviour which can also indicate neglect may include:-

- Complaining of being tired all the time
- Not requesting medical assistance and / or failing to attend appointments
- Having few friends
- Mentioning being left alone or unsupervised

These definitions and indicators are not meant to be definitive, but only serve as a guide to assist you. It is important too, to remember that many children may exhibit some of these indicators at some time, and that the presence of one or more should not be taken as proof that abuse is occurring. There may well be other reasons for changed in behaviour such as a death or the birth of a new baby in the family or relationship problems between parents / carers. In assessing whether indicators are related to abuse or not, Social Services will always want to understand them in relation to the child's development and context.

Adults at Risk

Categories of Abuse

There are many ways in which a vulnerable person may be abused. It is not unusual for an abused adult to suffer more than one kind of abuse. Accordingly, the impact of abuse and its seriousness for the individual must be evaluated in every case.

In Safe Hands identifies five main categories of abuse:-

- Physical
- Sexual
- Financial
- Emotional or Psychological
- Neglect

PHYSICAL ABUSE

Physical abuse is the unnecessary infliction of any pain, suffering or injury by a person who has responsibility, charge, care or custody of, or who stands in a position of or expectation of

trust to, a vulnerable person. Physical abuse may also be perpetrated by one vulnerable adult upon another.

SEXUAL ABUSE

Adult sexual abuse refers to the direct or indirect involvement of a vulnerable adult in sexual activity to which they are unwilling to give informed consent, or which they do not fully comprehend, or which violates the social taboos of family roles, such as incest. Sexual abuse may also be perpetrated by one vulnerable adult upon another.

Any sexual activity that is not freely consenting is criminal. Where there is an abuse of trust, sexual activity may appear to be with consent, but it is unacceptable because of the differences in power and influence between the people involved.

Sexual abuse includes the involvement in prostitution or 'sex trafficking' of vulnerable adults who do not have the capacity to consent.

EMOTIONAL or PSYCHOLOGICAL ABUSE

Emotional or Psychological abuse is the infliction of mental suffering by a person in a position of trust upon a vulnerable person. Emotional / Psychological abuse may also be perpetrated by one vulnerable adult upon another.

Emotional and Psychological abuse includes bullying, which is typically deliberate, hurtful behaviour repeated over time, which can include physical abuse but often is verbal (name calling and threats). It can undermine self-confidence, may cause the victim to become more isolated and sometimes lead to self-harm.

Emotional and Psychological abuse, including **bullying and harassment**, can be very subtle, for example taking the form of ignoring or excluding the victim. Such abuse may be direct, such as by not responding to the person, or indirect, such as by giving unfair preference to another person. Emotional and Psychological abuse may be cumulative, possibly building up over months or even years. It may involve one or more person and may be part of the culture within any institution, organisation or service.

Another example of psychological abuse is when a vulnerable adult is incited, induced or exploited to commit a crime or abuse. Examples of this include inciting to steal, to perform acts of violence and commit sexual crimes. There have also been examples of vulnerable adults being exploited to commit acts of radical extremism.

In determining whether emotional and psychological abuse has taken place, it is the impact on the vulnerable adult that counts. Individual actions may not seem significant and may

even be one-off, but if they are part of a wider pattern of abuse experienced by the vulnerable adult the impact on them may be significant. Therefore, the wider context in which action is experienced by the vulnerable adult must always be considered in determining whether or not abuse has occurred.

FINANCIAL or MATERIAL ABUSE

Financial or material abuse is any theft or misuse of a person's money, property or resources by a person in a position of, or expectation of, trust to a vulnerable person. Common forms of financial abuse are misuse by others of a vulnerable adult's state benefits or undue pressure to change wills. Financial / material abuse may also be perpetrated by one vulnerable adult upon another.

NEGLECT

Neglect is the failure of any person for whom there is an expectation of trust and / or the responsibility, charge, care or custody of a vulnerable person to provide that degree of care which a reasonable person in a like position would provide.

Neglect may be criminal or non-criminal. It may also be as a result of intentional or non-intentional acts or omissions.

APPENDIX 2

Code of Conduct and Safe Working Practices

CODE OF CONDUCT AND SAFE WORKING PRACTICES

1. This code of conduct is a statement and is a description of the professional standards of practice that are required from all Council staff when undertaking their day-to-day duties
2. The code of conduct reflects current practice and it is expected that employees can identify the following standards as those which they aim to emulate daily
3. It is anticipated that this code of conduct provides a better understanding for member of the public using Council services of what is expected of the Council's staff and the manner in which the employer supports its staff to undertake work effectively and in a manner respectful of the needs of individuals
4. Every member of staff should give a good example in terms of behaviour to ensure that children and adults are protected and safeguarded. The following guidelines provide details of examples of good practice which must be used, along with specific codes of conduct (e.g. Denbighshire Council's codes of conduct), which could be relevant to roles, activities or specific events
 - You should always be open for the public to scrutinise you when working with children and adults and you should avoid situations where a Councillor, member of staff, volunteer or service provider is with a child or children or vulnerable adult alone without anyone else to observe him or her
 - You should follow the required process for reporting incidents, e.g. an incident of health and safety importance
 - Children and adults have a right to privacy, equality, respect and dignity and a safe and positive environment
 - Councillors, staff, volunteers and contracted service providers must give priority to the welfare and safety of the child or adult before concerns for performance
 - If a child or adult arrives at an activity or service exhibiting signs or symptoms which cause you concern, you must act appropriately and follow the procedures outlined in the policy
 - Be aware of the need to ensure safe practices when meeting children and adults

YOU SHOULD

- Work in accordance with this safeguarding policy. If in doubt, contact the Designated Safeguarding Manager in your department

- Work in an open environment (e.g. you should avoid private situations or those which cannot be observed and encourage an open environments i.e. no secrets)
- Treat every child and adult fairly with respect and dignity
- Put the welfare of each child and adult first
- Ensure a safe and appropriate distance with participants (e.g. it is not appropriate to have a close relationship with a child or an adult)
- Create an equal relationship based on trust which empowers children and adults to share in the decision making process
- Get the most current information about training and safeguarding issues
- Be an excellent example – this includes not smoking, drinking alcohol or swearing in the company of children and adults
- Make sure that photographic or filming equipment is used appropriately and a parent or carer of the participants has given their permission
- Keep a record in writing of any injury which is sustained, along with any treatment administered in accordance with Council policy

YOU SHOULD NOT

- Touch or allow inappropriate touching in any way, use for or inappropriate language to make suggestive sexual comments
 - Make a child cry as a means of controlling him / her, or use any behaviour, control techniques not authorised by the Council’s policy and procedures
 - Ignore allegations made by a child or adult. All allegations or disclosures of abuse by a child or vulnerable adult should be reported immediately to Social Services of the Police
 - Undertake tasks of a personal nature for children or adults which they could do for themselves
 - Invite or permit children or an adult to come to your home where they will be alone with you
 - Enter areas that have been specifically set-aside for the other sex
 - Use the internet, an electronic device or phone to access child pornography sites
5. An employee who breaches any condition of the above code of conduct will face an investigation and could face disciplinary steps which could lead to dismissal and the possibility of a criminal investigation if there is evidence of illegal activity
 6. Volunteer services that breach the code of conduct will be suspended immediately, if there is evidence of illegal activity, the name of the volunteer will be drawn to the attention of the relevant authorities and he / she could face a criminal investigation

APPENDIX 3

Training on Safeguarding

Training on Safeguarding

1. STATEMENT OF COMMITMENT

- 1.1 Denbighshire Council is committed to ensuring that all staff who work with children, young people and adults undertake appropriate General Safeguarding awareness training
- 1.2 Every member of staff who works with children, young people and adults should have information on safeguarding issues, in order to ensure that our workforce:-
- Is aware of the principles of safeguarding
 - Can identify the need to refer
 - Knows how to deal with individual cases
- 1.3 Priority is given in the Staff, including Designated Managers, and Councillors training programmes to develop an understanding of the Councils Policy and Guidelines for Safeguarding Children and Adults

2. CONTENT OF THE TRAINING

- 2.1 Every member of staff working with children, young people and adults should have information on safeguarding issues. The training will make workers aware of the distinction between safeguarding and child / adult protection. It will also make workers aware of the definition of the types of abuse of children, young people and adults, the main signs and indicators, staff implications and their personal responsibility to safeguard children and adults and the procedures to follow should any worker have any concerns
- 2.2 There will be a need to refer to:-
- The Social Services and Well-being (Wales) Act 2014
 - The All Wales Child Protection Procedures
 - The Wales Interim Policy & Procedures for the Protection of Vulnerable Adults from Abuse (November 2010) [commissioned by the four Adult Protection Fora]
 - Older Peoples Commissioner for Wales 'Protection of Older People in Wales: A Guide to the Law' (John Williams, April 2011)
 - The functions of the North Wales Regional Safeguarding Boards

3. LEARNING OBJECTIVES

By receiving training, attendees will be able to:-

- Challenge myths and stereotypes associate with child and adult abuse and the process of safeguarding children and adults
- Ensure that the child's and adult's voices and rights are the principal consideration

Attendees will also

Legislation, policies and procedures:-

- Be aware of the legislation and the local and national policies which relate to safeguarding
- Understand local and institutional policies and procedures which relate to safeguarding individuals who receive care, and how these are to be implemented on their work

Understand and identify different types of abuse:-

- Be able to note the main categories for abuse and neglect , and be able to identify the usual signs of and symptoms associated with these
- Understand that individuals have the right to be safeguarded from abuse and neglect
- Understand that they need to ensure that their own actions or behaviour do not have a harmful effect on the individual in their care

Understand how to respond to suspicions of abuse or neglect:-

- Understand that they must report at once any suspicions of abuse or neglect and know how and when they should inform the appropriate individual of these
- Know how important it is to continue to voice concerns if they are not addresses after they have reported, and how to do this
- Understand the limitations of confidentiality and when to share information

4. PROVIDING THE TRAINING

4.1 (it was suggested that:-) The Care Council for Wales approved All Wales Safeguarding Awareness Training (formerly known as Adult & Child Protection Awareness Training) will be provided:-

- As part of the Induction Programme – as a minimum staff will be made aware of their responsibilities in respect of safeguarding at Corporate, Service and Team level Indication. (there will be potential for access to e-learning through the Learning Hub on the Intranet if DCC renew the license)
- Staff who have direct / indirect contact with children or adults who have not received the Adult & Child Protection Awareness training will need to undertake the All Wales Safeguarding Awareness Training

- Staff will need to undertake Safeguarding refresher training on the appropriate level every three years [*note that some staff will require this training at more frequent intervals than three years*]

Note: it is intended in the future to include all remaining staff i.e. those who do not have direct / indirect contact with adults or children in the awareness training. Currently the Corporate Adult and Child Protection Awareness half day course is targeted at staff who come into contact with Adults or Children as part of their daily responsibilities and duties

5. TARGETING THE TRAINING

- Every member of staff who has direct / indirect contact with children and adults is required to undertake the All Wales Safeguarding Awareness Training on safeguarding children and adults
- The training is compulsory and should be attended within 12 months of starting in post
- All posts requiring General Safeguarding awareness training and who start in those posts for the first time in the Council's employment, will be targeted from April 2014 onwards
- Existing staff members will be identified who have not received the appropriate training, in order to target and introduce the new training / programme
- As a priority, Designated Managers in each Service will receive the appropriate Safeguarding Training outlining their roles and responsibilities as outlined in the Denbighshire Safeguarding Policy and Guidance

6. METHOD OF DELIVERING THE TRAINING

6.1 Corporate / Departmental Induction

As part of their initial Induction Training staff to be informed of their responsibilities to protect children, young people and adults in line with the Denbighshire Policy and Guidance – Safeguarding Children & Adults

6.2 Awareness Training

For all staff, except Designated Managers who have direct / indirect contact with children and adults

Training to be delivered by DCC Workforce Development staff (or a training provider) at service area venues as identified by the Designated Managers or via on-line learning tools.

Learning Outcomes:

This training will give the opportunity for participants to:-

- Know their own role in relation to safeguarding adults and children and young people from harm, abuse and neglect
- Understand how individuals are protected from harm, abuse and neglect
- Know how to recognise different types of harm, abuse and neglect
- Understand what actions to take if they have concerns about abuse of a child or adult

6.3 **Designated Manager Training**

1 day training to be delivered by DCC Workforce Development staff (or a training provider)

Learning outcomes:

This training will give the opportunity for participants to:-

- Know their own role in relation to safeguarding adults and children and young people from harm, abuse and neglect
- Understand how individuals are protected from harm, abuse and neglect
- Know how to recognise different types of harm, abuse and neglect
- Understand what actions to take if they have concerns about abuse of a child or adult
- Understand their role in acting as a key source of advice and support for other staff in the Service on all safeguarding issues
- Become familiar with Denbighshire Council's Policy and Guidelines for Safeguarding Children and Adults along with the All Wales Child Protection Procedures and the Policy & Procedure for the Protection of Vulnerable Adults
- Ensure that there are effective internal procedures to deal with concerns within the Service by working closely with Social Services to achieve this
- Understand their role in representing the Service on the Council's Corporate Panel for Safeguarding Children and Adults
- Understand their role in ensuring that the process of complying with this Policy and Guidelines is monitored regularly to the Corporate Safeguarding Panel

6.4 **Refresher Training for all staff**

Content, frequency and method of delivery or refresher training will need to be agreed

7. MEASURING THE IMPACT OF THE TRAINING

7.1 The Council's Services will develop a 'Measuring Impact Programme' using the DCC Corporate Evaluation methodology. NB. This will need resourcing from within each service area by admin support to the Designated Manager

7.2 Impact can also be measured through:-

- Evaluation Forms for the training – completed by attendees
- The Council's Procedure i.e. Staff Appraisal Scheme / Supervision Policy

7.3 The impact will be reviewed by the Corporate Panel and changed recommended to the training in light of the experience / feedback of the managers / attendees of the training required

8. TIMETABLE

- Include as part of Corporate Induction from September 2013
- Adult & Child Protection Awareness training to recommence in October 2013 to be replaced by All Wales Safeguarding Awareness Training programme from February 2014 or earlier once fully approved by the Care Council for Wales – frequency tbc – but move to service area training
- Designated Manager training to take place from January 2013
- Development programme for Elected Members (sessions already held for new members in 2013)

8.1 The aim of the new procedure is to reconcile arrangements for the General Safeguarding awareness training across the Council

8.2 More specialised training for particular occupational groups and multi-agency training under the Safeguarding Boards for Children / Adults, already takes place and will continue

APPENDIX 4

Safe Recruitment

Safe Recruitment

Ensuring that the Council only employs people who are suitable is a key activity in safeguarding the public. Carefully checking the credentials of potential employees is critical.

Denbighshire has details policies and procedures relating to Safe Recruitment, for example covering :-

- Disclosure of Offences and Criminal Records checks
- Applicants with previous convictions
- Checking the past employment histories of specific groups of employees
- Seeking and giving references
- Interviewing

These policies and procedures are available on the intranet at http://intranet-ad/sorce/apps/sorce_doc_manager/Actions/view_doc.aspx?docid=1218&revid=1234 and all recruiting managers must be familiar with them. They must also ensure required records are maintained. Regular reports on indicators of Safe Recruitment will be generated and reported to the Corporate Safeguarding Panel.

APPENDIX 5

Good Practice Guidelines for Councillors:

Safe Contact with Children and Vulnerable Adults

Good Practice Guidelines for Councillors – Safe Contact with Children and Vulnerable Adults

1. These guidelines are a statement and description of the standards of conduct expected from all members of the Council when having contact with children or vulnerable adults
*in their office as a Councillor
2. The guidelines are supplementary to, and do not replace, the Members' Code of Conduct. The Members' Code of Conduct remains relevant whenever a member acts in his / her role as elected member, and also at any time in relation to not bringing the office or the Council into disrepute
3. Some of the requirements of the Code are:-
 - To show respect to others and be mindful of them
 - To address equal opportunity for everyone, regardless of their gender, race, disability, sexual orientation, age or religion
 - Not to disclose confidential information without consent
 - Not to behave in a manner which would bring your office or the Council into disrepute
 - To report any behaviour likely to be criminal by another member or employee to the appropriate authority
 - Not to use your position inappropriately to cause someone advantage or disadvantage
4. Members may come into contact with children and vulnerable adults through their position on a committee or working group, or through their role as local member. They may also come into contact with them when representing the Council on external bodies or taking part in events arranged by the Council. Every member of the Council has a corporate parent responsibility for looked after children, and every member also has a responsibility to follow good practice for safeguarding children and vulnerable adults
5. The aim of these guidelines is to reflect current practice and it is expected that members identify the following standards as those which they aim to reach daily
6. It is expected that these guidelines give a better understanding to members of the public of what is expected by councillors when they come into contact with them

7. Every councillor should give a good example in terms of behaviour to ensure that children and vulnerable adults are protected and safeguarded. The guidelines below give details of examples of good practice that must be used

YOU SHOULD

- Become familiar with the Council's safeguarding policies and guidelines and the current procedures for reporting incidents etc.
- Attend training on safeguarding children and vulnerable adults
- Follow a recognised process for reporting incidents e.g. an incident of health and safety importance
- Be open to public scrutiny at all times when working with children and young people, and try and avoid situations where you are alone with a child or children or vulnerable adult, with nobody to observe you
- Respect children and adults' right to privacy, equality, respect and dignity and a safe and positive environment
- Place the child or adult's welfare and safety above other considerations
- Create an equal relationship based on trust which empowers children and adults to share in the decision-making process
- Be an excellent example for children and vulnerable adults

YOU SHOULD NOT

- Touch or allow inappropriate touching in any way, use force or inappropriate language or make suggestive sexual comments
- Ignore allegations made by a child or vulnerable adult; all allegations or disclosures of abuse by a child or vulnerable adult should be reported immediately to Social Services or the Police
- Invite or allow children or a vulnerable adult to come to your home where they will be alone with you
- Enter areas in the Council's buildings that have been specifically allocated for the opposite sex
- Use the internet, electronic device or phone to access child pornography sites
- Spread confidential information concerning individual cases to anyone unless through recognised reporting procedures

*A vulnerable adult is a person over 18 years of age who cannot look after him / herself or protect him / herself

APPENDIX 6

Referral Procedure

Referral Procedure

Recognition and Referral

Suspicion about abuse may take the form of 'concerns' rather than 'known facts'. Safeguarding concerns can arise in many different contexts, including when they are already known to social services. Concerns can and should be shared with social services through a referral **using the standard referral form available on the Denbighshire Website.**

For any concerns about children or adults outside of normal office hours

The Social Services Out-of-Hours Team should be contacted on 0845 05 33116 if the issue arises after 5.00 p.m., Monday to Friday and on weekends and Bank Holidays.

While concerns will not necessarily trigger an investigation, they help to build up a picture, along with concerns from other sources, which may indicate that they may be suffering harm.

Making a Referral

Referrals should be made to social services as soon as a problem, suspicion or concern about a child becomes apparent and certainly within 24 hours. Outside office hours, referrals should be made to the social services emergency duty service or the Police. All telephone referrals or referrals made in person should be confirmed in writing within two working days, preferably using the standard referral form. The officer taking the referral should be given as much of the following information as possible by the referrer:-

- The nature of the concerns
- How and why those concerns have arisen
- The full name, address and date of birth (or age) of the child / adult of concern
- The names, addresses and dates of birth / ages of family members, along with any other names which they use or are known by
- The names and relationship of all those with parental responsibility / guardian or carer roles, where known, should be recorded
- The name, address and date of birth of any other adults living in the household
- The names of other professionals involved with the family, including for example the name of the child's school and GP
- Any information you have on the child's developmental needs / adults care needs and his / her parents or caregivers ability to respond to these needs within the context of the wider family and environment
- Any information affecting the safety of staff

- In the case of vulnerable adults the capacity and risks of the individual concerned need to be considered

Individual employees, professionals and independent contractors, should be aware that they cannot remain anonymous when making a referral. However, members of the public may remain anonymous, if they wish to.

The individual employee or professional making the referral may be asked to do some or all of the following tasks, and should be prepared and willing to do them:-

- Contribute to a strategy discussion or strategy meeting
- Assist in the child protection section 47 enquiries / POVA adult investigation
- Attend the child protection / adult protection conference
- Contribute to the assessments

It is the responsibility of individual employees and professionals to ensure that their child protection concerns are taken seriously and followed through. Each individual employee and professional is accountable for his or her own role in the protection process, and if an individual employee or professional remains concerned they should re-refer and / or bring the matter to the immediate attention of the children or adults senior manager or in their absence of the person deputising for their function with responsibility for protection. In all such situations, the individual employee or Professional's own line manager and named professional for child protection should be informed.

Denbighshire Social Services

For any concerns about children or adults outside of normal office hours.

The Social Services Out-of-Hours Team should be contacted on 0845 05 33116 if the issue arises after 5.00 p.m., Monday to Friday and on weekends and Bank Holidays.

Police tel. 0845 607 1002

If you need Police assistance in an EMERGENCY, you should always dial 999

NSPCC tel. 0808 800 5000

You do not need to know everything about the child / adult of concern and what is happening – just to be worried, or feel that everything is not right

APPENDIX 7a

Dealing with Allegations of Professional Abuse

DEALING WITH ALLEGATIONS OF PROFESSIONAL ABUSE**Managing Allegations against Workers, Carers and Volunteers who have Contact with Children**

Guidance and good practice

Final version

Date of Policy	June 2013
Author of Document	Sue Trehearn Adapted from Flintshire's policy
Revised by	Sue Trehearn
Date of review	June 2014

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9. Concluding Strategy Meeting
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12. Unsubstantiated Allegations
13. Unfounded or False Allegations
14. Allegations Against Staff in their Personal Lives
15. Disciplinary Process
16. Sharing Information for Disciplinary Purposes

1. Introduction

Children / vulnerable adults can be subjected to abuse by those who work with them in any and every setting. All allegations of abuse or maltreatment of children / vulnerable adults by a professional, staff member, foster carer or volunteer must therefore be taken seriously and treated in accordance with agreed procedures. Local Safeguarding Children Boards and Local Adult Protection Committees have responsibility for ensuring that there are effective inter-agency procedures in place for dealing with allegations against people who have contact with children / vulnerable adults and for monitoring and evaluating the effectiveness of those procedures.

These procedures must be followed by all organisations providing services for children / vulnerable adults and staff or volunteers who work with or care for children / vulnerable adults. Any organisations who commission services for children / vulnerable adults must ensure that their arrangements with those services are consistent with the requirements in this procedure.

These procedures are based on the framework for dealing with allegations of abuse made against a person who works with children in Working Together to Safeguard Children under the Children Act 2004 (Welsh Assembly Government 2006) and the All Wales Child Protection Procedures (2008) and more recent guidance to managing allegations against foster carers. In relation to adults the procedures are based on the framework for dealing with allegations of abuse against vulnerable adults contained within the Wales Interim Policy and Procedure for the Protection of Vulnerable Adults from Abuse (Nov 2010).

Compliance with these procedures will help to ensure that allegations of abuse are dealt with expeditiously; consistent with a thorough and fair process and Conwy and Denbighshire's Safeguarding Board will establish systems and processes to monitor and evaluate the effectiveness of these procedures.

2. Threshold

These procedures should be applied when there are concerns that a person who works with children / vulnerable adults, either in paid or unpaid capacity i.e. any employee, foster carer, clergy, child minder or volunteer, where the adult is in a position of trust in relation to the child and family, has:-

- Behaved in a way that has harmed a child / vulnerable adult, or may have harmed a child / vulnerable adult

- Possibly committed a criminal offence against or related to a child / vulnerable adult
- Behaved towards a child or children / vulnerable adult in a way that indicated she / he is unsuitable to work with children / vulnerable adults

It can be very difficult to determine what may fall into 'unsuitable to work with children / vulnerable adults' although all employers have a responsibility to set personal and professional boundaries for staff and to be explicit about what behaviours are unacceptable and will impact on their employment. What constitutes unsuitability will vary depending upon the context and nature of the work undertaken although as a starting point, it is useful to consider whether the alleged behaviour has:-

- Harmed or may have harmed a child / vulnerable adult
- Contravenes or continues to contravene any safe practice guidance given by their organisation or regulatory body
- Exploits or abuses their position of power
- Acts in an irresponsible manner which any reasonable person would find alarming or questionable
- Demonstrates a failure to understand or appreciate how his / her own actions or those of others could adversely impact upon the safety and well-being of a child or young person / vulnerable adult
- Demonstrates an ability to make sound professional judgements which safeguard the welfare of children / vulnerable adults
- Fails to understand or recognise the need for clear personal and professional boundaries in their work
- Behaves in a way in his / her personal life which could put children / vulnerable adults at risk of harm
- Has been the subject of a criminal investigation that could impact on the safety of children / vulnerable adults
- Has been subject to enquiries under local protection procedures
- Behaved in a way which undermines the trust and confidence placed in them by their employer

These behaviours should be considered within the context of the four categories of abuse i.e. Physical Abuse, Sexual Abuse, Financial Abuse, Emotional Abuse and Neglect. These include concerns relating to inappropriate relationships between members of staff and children / young people / vulnerable adults.

Restraints in schools often come up as an 'allegation' when teachers do not ring parents to explain that there has been a restraint in school that day. Careful unpicking of such allegations is indicated sooner rather than later and

attention should be paid to the current restraint guidance permitted in different professional setting before reaching a decision on the most appropriate way forward.

3. Roles and Responsibilities

Conwy and Denbighshire Safeguarding Children Board / Denbighshire Adult Protection Committee will identify a named Senior Officer in each local authority with overall responsibility for:-

- Ensuring that the organisation deals with allegations in accordance with these procedures
- Resolving and inter-agency issues
- Liaising with the LSCB / DAPC on the subject

Local authorities should be designated an officer to:-

- Be involved in the management and oversight of individual cases
- Provide advice and guidance to employers and voluntary organisations
- Liaise with Police and other agencies
- Monitor the progress of cases to ensure that they are dealt with as quickly as possible consistent with a thorough and fair process

Within Denbighshire this will ordinarily be the Service Manager for Safeguarding in Children's Services and Specialist Services Service Manager in Adult Services.

Employers should identify:-

- A Designated Senior Manager to whom allegations or concerns should be reported
- A deputy to whom reports should be made in the absence of the Designated Senior Manager or where that person is the subject of the allegation or concern

The Detective Inspector in the Public Protection Unit PPU will:-

- Have a strategic oversight of the local police arrangements for managing allegations against staff and volunteers
- Liaise with LSCB / DAPC on the issue
- Ensure compliance

Each PPU should designate a Detective Sergeant/s to:-

- Liaise with the Safeguarding Manager in Social Care
- Take part in Strategy Discussion / Meetings
- Review the progress of cases in which there is a Police involvement

- Undertake investigation
- Share information as appropriate, on completion of an investigation or related prosecution

4. General Considerations in Response to Allegations and Concerns of Abuse

Confidentiality

Every effort should be made to maintain confidentiality and guard against publicity while an allegation is being investigated or considered. Apart from keeping the child, vulnerable adult, parents, carers / representatives and accused person up to date with progress of the case, information should be restricted to those who have a need to know in order to protect and facilitate enquiries, and manage related disciplinary or suitability processes. The Police should not provide identifying information to the press or media, unless and until a person is charged, except in exceptional circumstances e.g. an appeal to trace a suspect. In such cases, the reasons should be documented and partner agencies consulted beforehand.

Support

The organisation together with Children's or Adults Social Care and / or the Police, where they are involved, should consider the impact on the child / vulnerable adult concerned, ensure the child / vulnerable adults immediate safety or provide support as appropriate. Liaison between the agencies should take place in order to ensure that the child's needs are addressed. The member of staff should:-

- Be treated fairly and honestly and helped to understand the concerns expressed and processes involved
- Be kept informed of the progress and outcome of any investigation. The person responsible for this will be identified at the first Strategy Meeting
- If suspended, be advised to contact their union representative and be kept up to date about events in the workplace. Human Resources should be consulted at the earliest opportunity in order that appropriate support can be provided via the organisations occupational health or employee welfare arrangements

Suspension

Suspension is a neutral act and it should not be automatic. There could be an option for redeployment to a post where there would be no contact with children / vulnerable adults. Suspension should be considered in any case where:-

- There is cause to suspect a child is at risk of Significant Harm, or
- The allegation warrants investigation by the Police, or
- The allegation is so serious that it might be grounds for dismissal

The possible risks to children / vulnerable adults should be evaluated and managed in respect of relevant others in the accused member of staff's home, work or community life. If a Strategy Meeting is to be held, (see section 6 Strategy Meeting) or if Children's / Adult's Social Care or the Police are to make enquiries, the Safeguarding Manager should canvass their views on suspension and inform the employer. Only the employer, however, has the power to suspend an accused employee and they cannot be required to do so by a local authority or police. If a suspended person is to return to work, the employer should consider what help and support might be appropriate e.g. a phased return to work and /or provision of a mentor, and also how best to manage the member of staff's contact with the people concerned, if still in the workplace.

Resignations and Compromise Agreements

Every effort should be made to reach a conclusion in all cases even if:-

- The individual refuses to cooperate, having been given a full opportunity to answer the allegation and make representations
- It may not be possible to apply any disciplinary sanctions if a person's period of notice expires before the process is complete

'Compromise agreements' should not be used i.e. where a member of staff agrees to resign provided that disciplinary action is not taken and that a future reference is agreed.

Organised Abuse

Investigators should be alert to signs of organised or widespread abuse and / or the involvement of other perpetrators or institutions. They should consider whether the matter should be dealt with in accordance with the guidance in Safeguarding Children: Working Together Under the Children Act 2004 (Sec 9.22 – 9.25) and / or the Wales Interim Policy and Procedure for the Protection of Vulnerable Adults from Abuse (Nov 2010) which, if applicable, will take priority.

Whistle Blowing

All organisations must ensure that they have a robust whistle blowing policy that all workers, carers and volunteers are aware of. They should feel confident to voice concerns about the attitude or actions of colleagues. If a worker, carer or volunteer believes that a reported allegation or concern is not being dealt with appropriately by their organisation, she / he should report the matter to the Safeguarding Manager.

Timescales

It is in everyone's interest for cases to be dealt with expeditiously, fairly and thoroughly and for unnecessary delays to be avoided. The target timescales provided in these procedures are realistic in most cases, but some cases will take longer because of their specific nature, or complexity. Where this is the case, the timescales for progression should be recorded, progress regularly reviewed and the child or young person / vulnerable adult and the worker, carer or volunteer kept informed.

For fostering situations there may be a parallel need to review carers approval at the next available fostering panel

5. Initial Response to an Allegation or Concern

An allegation against or concern about a worker, carer or volunteer may arise from a number of sources e.g. a report from a child, a concern raised by another adult in the organisation, a complaint by a parent or carer, or information arising from a disciplinary hearing.

The member of staff who has received the allegation or who has a concern about a colleague must immediately report this to his / her Designated Service Manager or deputy in his / her absence or where the Designated Manager is the subject of the allegations (see section 3).

The member of staff should:-

- If the allegation has come from a child, reassure the child that she / he was right to report it
- Make a written record of the information (where possible in the child / adult's own words), including the time, date and place of the incident(s), persons present and what was said
- Sign and date the written record and pass immediately to the Designated Senior Manager

The member of staff should not:-

- Investigate or ask leading questions if seeking clarification
- Make assumptions or offer alternative explanations
- Promise confidentiality, but give assurance that the information will be shared on a 'need to know' basis only so that the matter can be investigated in order to keep other children / vulnerable adults safe

Initial Action by the Designated Senior Manager

When informed of a concern or allegation, the Designated Senior Manager (see section 3) should not investigate the matter or interview the member of staff, child / vulnerable adult concerned or potential witnesses. He / she should:-

- Obtain written details of the concern / allegation, signed and dated by the person receiving the allegation (not the child / adult making the allegation)
- Countersign and date the written details
- Record any information about times, dates and location of incident(s) and names of any potential witnesses
- Record discussions about the child / vulnerable adult and / or member of staff, any decisions made, and the reasons for those decisions
- If the child / vulnerable adult has sustained an injury, consider the need to have him / her medically examined. In this instance parent / carer must be notified and reason given as to why medical required

If the Designated Senior Manager decides that no further action is required the reason for that decision must be recorded and the written record sent to the Safeguarding Manager.

If the allegation meets the criteria in Section 2, the Designated Senior Manager should report it to the Intake and Assessment Team within 1 working day. Referral should not be delayed in order to gather information and failure to report an allegation or concern in accordance with these procedures is a potential disciplinary matter. Where a Designated Senior Manager is unsure about how to proceed or cannot determine whether the criteria are met, there should be consultation with the Service Manager for Safeguarding. In their absence a member of the Social Care Senior Management team should be contacted. The referral in respect of children who may be at risk of significant harm in association with the referral will be dealt with in compliance with Section 3 of the All Wales Child Protection Procedures / Wales Interim Policy and Procedure for the Protection of Vulnerable Adults from Abuse (Nov 2010). The contact should be made with the Duty Manager of the Intake and Assessment Team in Social Services for Children and Adults as relevant.

If an allegation requires immediate attention, but is received outside normal office hours, the Designated Senior Managers should consult the Emergency Duty Team or local Police and inform the Safeguarding Manager as soon as possible.

If a Police officer receives an allegation, she / he should, without delay, report it to the Designated Detective Sergeant on the FPU (see section 3). The Detective Sergeant should then immediately inform the Safeguarding Manager and a preliminary strategy discussion undertaken to ensure that immediate safeguards are in place, whether the

referral falls within this procedure and whether any immediate briefings to management are required.

Any allegation made to Children's or Adult's Social Services should be immediately reported to the Safeguarding Manager or equivalent.

Any allegation or concern received by a Regulatory Authority must be reported to the Safeguarding Manager within 1 working day. Similarly the Safeguarding Manager should be contacted within 1 working day about any cause for concern that a Regulatory Authority may identify while carrying out its duties.

Initial Consideration by the Designated Senior Manager and the Local Authority Designated Officer (Safeguarding Manager)

There are up to 3 strands in the consideration of an allegation:-

- Police investigation of a possible criminal offence
- Social Services for Children / Adult enquiries and / or assessment about whether a child / vulnerable adult is in need of protection or services
- Consideration by an employee of disciplinary action

The Safeguarding Manager and Designated Senior Manager should consider first whether further details are needed and whether there is evidence or information that establishes that the allegation is false or unfounded. There should be taken to ensure that the child / vulnerable adult is not confused as to dates, times, locations or identity of the member of staff.

If the allegation is not demonstrably false and meets the criteria as in section 2, the Safeguarding Manager, in consultation with the referrer, should consider the need for a Strategy Meeting. Reasons for not convening a Strategy Meeting should be recorded.

The Designated Senior Manager and the Safeguarding Manager should agree how and when the member of staff is informed of the allegation. Consideration must be given to informing the parent / carer at the earliest opportunity. The Safeguarding Manager and Designated Senior Manager should agree what information they are given to ensure that the disciplinary or investigative processes are not impeded.

The Police must be consulted about any cases in which a criminal offence may have been committed. If the threshold for Significant Harm is not reached, but a Police investigation might be needed, the Safeguarding Manager should immediately inform the police and consider the needs for a Strategy Discussion / Meeting.

The Regulatory Authority should be informed of any allegation or concern made against a member of staff in any day care establishment for children under 8, a

registered child minder, a foster carer, prospective adopter, or member of staff in a residential facility. They should also be invited to take part in any subsequent Strategy Discussion / Meeting.

In circumstances where there remains disagreement between the referring agency and the Safeguarding Manager the case should be referred immediately to the Head of Children and Family Services for a decision or if an adult Head of Adult and Business Services.

6. Strategy Meeting

If the criteria are met for further investigation, a Strategy Meeting must be arranged within 48 hours where at all possible, given capacity issues for chairs and attendees. The reason for delays should be clearly recorded in the minutes. The Strategy Meeting will be convened by the Safeguarding Unit and chaired by the Safeguarding Manager or in their absence, a senior manager from Children's / Adult's Social Care. A record will be made of the meeting and decisions will be made available to the child / parents, vulnerable adult / representative and the alleged perpetrator at the conclusion of the investigation. This information will also be shared with regulating bodies. The following should be considered to attend the Strategy Meeting:-

- Safeguarding Manager (Chair)
- Service Manager for Intake and Assessment and or designated investigating officer
- Relevant social worker and his / her manager (if an open case)
- Detective Sergeant (FPU)
- Designated Senior Manager for the employer concerned
- Senior Nurse (child / adult protection)
- Education representative
- Human Resources representative
- Legal advisor where appropriate
- Senior representative of the employment agency, church or voluntary organisation if applicable
- Manager and family placement worker for the fostering service provider (including independent foster services) when an allegation is made against a residential worker
- Manager from the residential service when an allegation is made against a residential worker
- A representative of the Regulatory Authority where applicable
- Consultant Paediatrician
- Where a child / adult is placed or resident in the area of another authority, representative(s) of relevant agencies in that area

- Complaints Officer if the concern has arisen from a complaint
- Children and Family Court Advisory and Support Service when involved (CAFCASS)
- Health representative
- A representative from the Social Services for Adults Safeguarding Unit (where appropriate)
- CSSIW (where concern is about a foster carer, child minder or care provider)

The representative must be at a level of sufficient authority to speak on behalf of their organisation and ensure that the organisation acts in accordance with the recommendations of the meeting.

Where the representative of an organisation is implicated through an accusation of collusion or failure to respond to previous complaints, it is appropriate for him / her to attend the Strategy Meeting.

The Strategy Meeting must:-

- Decide whether there should be a Section 47 Enquiry and / or Police investigation and consider the implications
- Consider the current allegation in the context of any previous allegations or concerns
- Where appropriate, take account of any entitlement by staff to use reasonable force to control or restrain children, e.g. Section 550a Education Act 1996 in respect of teachers and authorised staff
- Consider whether a complex abuse investigation is applicable
- Plan enquiries if needed, allocate tasks and set time-scales
- Decide what information can be shared, with whom, when and how
- Consider whether there is a need to convene an initial child / adult protection conference if there are concerns about the Professional's behaviour towards their own children

The Strategy Meeting must also:-

- Ascertain whether the member of staff has contact with children / vulnerable adults in any other setting
- Ensure that arrangements are made to protect the child / children / adult involved and any other children / vulnerable adults affected, including taking emergency action where needed
- Examine whether relevant information that may exist in parallel processes is required – such as a finding of fact within care proceedings
- Ensure that all children / vulnerable adults who may be affected, directly or indirectly, are identified and considered and provided with support. This

would include children / vulnerable adults within the member of staff's own family

- Consider what support should be provided to the member of staff and others who may be affected. Also consider by whom and how this should be provided
- Ensure that investigations are sufficiently independent
- Make recommendations where appropriate regarding suspension, or alternatives to suspension
- Identify a lead contact Manager within each agency who will be responsible for coordinating the investigation
- Agree timescales for reviewing investigations and monitoring progress
- Consider issues for the attention of senior management e.g. media interest, resource implications
- Consider reports for consideration of barring
- Consider notifying the Chief Executive / Senior Officer of the employing agency
- Consider whether Children / Adult Safeguarding Procedures need to be followed
- Consider what steps need to be taken in relation to establishments where it is felt that abuse has pervaded the whole staffing group with the involvement and collusion of managers
- Where appropriate consider the wider implications for the organisation e.g. policy and procedures and staff training deficits

All strategy Meetings should be recorded and minutes circulated within 5 working days of the Strategy Meeting.

When requests for copies of minutes from Part IV meetings are made by the subject of the meeting advice should be sought from the legal department in all cases as decisions need to be made on a case by case basis and clearly recorded.

7. Conduct of Enquiry

Once a decision has been made at the first Strategy Meeting, to initiate an enquiry, the member of staff must be contacted and told the nature of the allegation, how the enquiries will be conducted and his / her co-operation sought, unless this prejudices any aspect of the investigation, e.g. criminal enquiries. The meeting will agree how this will be done.

The enquiry should take into account any signs or patterns, which could suggest the abuse may be more widespread than it appears and whether it involves other perpetrators or institutions.

During the course of the enquiries, the Strategy Meeting Chair must be provided with regular progress reports from the investigating officers on a minimum 4 weekly basis.

Any investigation must be conducted in accordance with the All Wales Child Protection Procedures.

If the child, young person or vulnerable adult needs to be formally interviewed, the interview must take place in accordance with the Joint Children's Social Care and Police Protocol on Investigating Child Abuse involving only trained staff and video equipment or the adult equivalent.

If a Police investigation is to be conducted, the Police should set a date for reviewing its progress and consulting the Crown Prosecution Service about continuing or closing the investigation or charging the individual. Wherever possible, this should be no later than 4 weeks after the strategy meeting.

The evidence gathered in the investigation, including written material, audio or video recordings with the child or other relevant people, may be referred to in all strands of the investigation (Section 47 enquiry, criminal investigation, complaint investigation and disciplinary procedures) although a Court Order may be required for evidence to be released. The evidence will remain the possession of the investigating agencies in accordance with the Joint Social Care and Police Protocol on Investigating Child Abuse/

Decisions regarding the disclosure of such evidence must be considered carefully in conjunction with the relevant Human Resources procedures.

8. Second and Subsequent Strategy Meetings

In addition to the issues addressed at the first Strategy Meeting, subsequent meetings should be held to review:-

- Progress and results of enquiries
- Therapeutic and support needs of the child or children / vulnerable adults(s)
- Support needs of the child's parents / carers, the worker, carer or volunteer

9. Outcome Strategy Meeting

The existing guidance highlights the duty of this meeting to decide on the balance of probabilities as to whether the concerns are substantiated. This discussion would normally precede any decision by the employer to invoke disciplinary procedures.

All the members of the Initial Strategy Meeting will need to attend. Additional relevant persons may be invited to attend by agreement with the Chair. This may include, where appropriate, contracts managers.

The alleged perpetrator or representative and the alleged victim and parents will not be permitted to attend.

The meeting is responsible for considering the following issues:-

- Results of the Section 47 enquiry / POVA enquiry – is the allegation substantiated, unsubstantiated, inconclusive, unfounded or false?
- Are there any outstanding concerns which require any Police / Children's / Adult's Services procedures?
- Are there any outstanding protection or support issues for the alleged victim?
- Are there any outstanding protection issues for other potential victims?
- Are there any outstanding disciplinary issues?
- Are there any other children / vulnerable adults with whom the alleged perpetrator has a professional relationship?
- Have all protection issues for the children / vulnerable adults of the alleged perpetrator been addressed?
- The requirement for notification to the Independent Safeguarding Authority
- The identification of the persons responsible for informing the child / parent / carers and the alleged perpetrator of the outcome
- Whether the matter should be referred to the Fostering or Adoption Panels, Welsh Government Independent Investigation Service for Schools (SERVOCA), CSSIW or CAFCASS

Where the concerns are substantiated and individuals lose their position as a result of concerns, a referral should be made to ISA (see section 11) and any other bodies nominated by the guidance and procedures. The employer responsible for informing such bodies or undertaking internal disciplinary action must inform the Safeguarding Manager in writing that such actions have been undertaken.

10. Substantiated Concerns

Where abuse of harm is confirmed on the balance of probability, the parents and child / vulnerable adult and / or representative must be informed – who should do this will be confirmed at the outcome meeting. The chair will write to the alleged perpetrator informing them of the outcome of the investigations.

A disciplinary hearing should then be arranged by the employer within the relevant disciplinary code.

Should the need for a Child Protection / Adult Protection Conference have been identified, this will be organised by the relevant team and the Safeguarding Unit.

11. Informing the Independent Safeguarding Authority (ISA)

Where the concerns are substantiated, relevant information should be passed to the ISA by the relevant Senior Manager where the person is employed. Organisations must confirm in writing to the Safeguarding Manager that this has been completed.

12. Unsubstantiated Allegations

Where, following initial enquiries, it is concluded that there is insufficient evidence to determine whether the allegation is substantiated, or the allegation is not substantiated, the relevant Designated Senior Manager / Employer will consider what if any, further action should be taken.

The member of staff / volunteer will be informed of the outcome in writing by the Chair.

Consideration must be given to any support the member of staff may need, particularly if she / he is returning to his / her post following suspension.

The child / vulnerable adult and his / her parents / carers must be informed of the outcome. Who will do this will be identified at the Outcome meeting.

13. Unfounded or False Allegations

If an allegation is determined to be unfounded the employer, in consultation with the Safeguarding Manager, should refer the matter to Children / Adult Social Care to determine whether the Child / vulnerable adult is in need of services and / or might have been abused by someone else.

14. Allegations Against Staff in their Personal Lives

If an allegation or concern arises about the conduct of a member of staff outside of his / her work with children / vulnerable adults and this may present a risk to children / vulnerable adults for whom the member of staff is responsible, the general principles outlined in these procedures will still apply.

In some cases, allegation of abuse against someone closely associated with a member of staff e.g. partner, member of the family or other household member, may present a risk to the child / children / vulnerable adults for whom the member of staff is responsible. In these circumstances the meeting should consider:-

- The ability and / or willingness of the member of staff to adequately protect
- Whether measures need to be put in place to ensure their protection

- Whether the role of the member of staff is compromised

15. Disciplinary Process

The meeting will consider whether disciplinary action is appropriate in all cases where:-

- No further action is required under Child / Adult Protection Procedures
- The employer or Safeguarding Manager is informed by Police or the CPS that a criminal investigation and any subsequent trial is complete or that an investigation is to be closed without charge or a prosecution discontinued

The discussions should consider any potential misconduct or gross misconduct on the part of the member of staff and take into account:-

- Information provided by the Police and / or social care
- The result of any investigation or trial
- The different standard of proof in disciplinary and criminal proceedings

Where the initial evaluation decides that the allegation does not involve a possible criminal offence it will be dealt with by the employer who should institute appropriate action within 3 working days.

If disciplinary action is required, and further investigation is not required, the disciplinary hearing should be held within 15 working days.

Where further investigation is required by the aim of the investigation is to obtain, as far as possible, a fair, balanced and accurate record in order to consider the appropriateness of disciplinary action and / or the individuals suitability to work with children / vulnerable adults. Its purpose is not to prove or disprove the allegation.

The Safeguarding Manager should be informed of the outcome of the disciplinary action, including any training plan with timescales.

16. Sharing Information for Disciplinary Purposes

Wherever possible, the Police and Children / Adult Social Care should during the course of their investigations obtain consent to provide the employer and or the Regulatory Authority with evidence for disciplinary purposes. If the Police or the CPS decide not to pursue a charge, or decide to administer a caution, or the person is acquitted, the Police should pass relevant information to the employer without delay.

If the person is convicted, the Police should inform the employer straight away so that appropriate action can be taken.

17. Record Keeping

Employers should keep a clear and comprehensive summary of the case record on a person's confidential personnel file and give a copy to the individual.

The record should include details of what the allegation was, how the allegation was followed up and resolved, the decisions reached and the action taken.

The record will provide accurate information for any future reference and provide clarification if a future CRB disclosure reveals an allegation that did result in a prosecution or conviction. This record will prevent unnecessary re-investigation of the allegation should resurface.

Minutes of Strategy Meetings will be held at the Children's Safeguarding Unit / Adult Safeguarding Unit as appropriate.



APPENDIX 7b

North Wales Safeguarding Adults Board

All Wales Protection of Vulnerable Adults Professional Concerns Protocol

North Wales Safeguarding Adults Board

North Wales version of the All Wales Protection of Vulnerable Adults Professional Concerns Protocol

**A Multi-Agency Protocol for the Management of Risk
associated with Adult Protection Concerns about
Employees, Carers or Volunteers**

Date ratified	
Review Date	13 th May 2016

1. Introduction

1.1 This protocol is for all Employers, Employees, Workers, Carers and Volunteers whose role brings them into contact with adults at risk. The underpinning Principles and Values of this document reflect those outlined in the current Wales Interim Policy and Procedures for the Protection of Vulnerable Adults from Abuse (January 2013). The primary consideration must always be to ensure the protection of adults at who may be risk.

1.2 For the avoidance of doubt, unless expressly stated otherwise in this protocol interpretation and definitions within this protocol are those adopted by the Wales Interim Policy and Procedures for the Protection of Vulnerable Adults from Abuse 2013.

1.3 There are areas of common practice with the All Wales Child Protection Procedures, and thus, this Protocol should be considered in conjunction with Part 4 of the All Wales Child Protection Procedures which take precedence where the originating concern is a Child Protection matter.

1.4 This protocol provides a framework for decision making and risk management, and does not replace sound professional judgement.

INFORMATION SHARING:

It is important that you read section 4.4 before entering into any discussion with the individual who is the subject of the concern.

2. Purpose and Scope

2.1 This protocol is separate from the policy and procedures for managing allegations where a person in a position of trust has been alleged to have abused or neglected a vulnerable adult as set out in the Wales Interim Policy and Procedures for the Protection of Vulnerable Adults from Abuse 2013.

2.2 It provides a process for the lawful and proportionate sharing of information, and management of risk where the matter is an adult protection issue.

2.3 Where the primary concern is a child protection matter part 4 of the Child Protection Procedures provides the process for information sharing and management of risk of the subject.

2.4 Examples of the types of cases that should be managed under this protocol include:

- Harmful conduct that has occurred in a volunteer or employee's private life (for example being a perpetrator of domestic abuse)

- The individual of concern is the subject of a Police investigation and the investigation has identified a risk to adults, children or vulnerable groups
- Historic allegations of abuse by an employee, volunteer or carer
- Concerns raised relating to allegations and or behaviour that poses a risk to others

Note: this list is not exhaustive

3. The role of the employer – Safe Recruitment

3.1 Within this document, the term ‘employer’ applies equally to a body or organisation that recruits paid or unpaid individuals to carry out work or support in positions of trust with adults at risk.

3.2 The overriding duty for safe recruitment and safe practice by its employees / volunteers remains with the employer or voluntary organisation. This duty equally applies to employers who are recipients of Direct Payments.

3.3 This means that agencies have a duty to have the following in place:

- Safe Recruitment Procedure
- Adult Protection Procedures
- Training
- Operational policies and procedures that clearly establish the standard / quality of practice that is expected
- Staff supervision and appraisal process
- Whistle Blowing Policy
- Robust arrangements for Commissioning, Contracting, and Quality Assuring service provision
- Processes for gathering and listening to service users’ feedback about service provision
- Disciplinary Procedures

3.4 Each agency should identify staff with responsibility for managing and responding to allegations under this protocol.

4. The Management of Concerns

4.1 When the employer becomes aware of a risk via intra agency routes

4.1.1 In situations where the employing agency becomes aware of information that there is conduct that poses a risk to vulnerable adults, then the employer has the duty to carry out a risk assessment and share information appropriately.

Note: the employer may seek advice from statutory agencies at any point.

4.1.2 The individual should be informed that a concern has been raised under this process, unless to do so could invoke further risk to a vulnerable adults or jeopardise an investigation. This should be carried out in a relevant, timely, and proportionate fashion.

4.1.3 As part of the risk assessment, the employer will need to consider whether the information also indicates a risk due to the individual's involvement with adults at risk or children as a volunteer / employee in another setting. For example;

- whether the individual involved is also caring for a relative / friend who is an adult who may be at risk
- whether the individual involved is also caring for a child and the information represents a risk of significant harm to a child
- whether the individual is also employed / volunteering with children or adults who may be at risk
- whether the individual has committed a criminal offence

4.1.4. This may lead to an Adult Protection referral, a Child Protection referral or consideration of need to share information under the process set out in section 4.3 below.

4.2 Raising the Concern

4.2.1 Anybody who becomes aware of information that suggests an employee, worker, carer or volunteer may have acted, or is suspected of acting in a way that indicates a risk of significant harm to adults at risk, should immediately share the information and risk assessment with the appropriate professional within Police, Local Health Board, or Social Services, who will decide with whom the information needs to be shared in order to facilitate the safeguarding of adults at risk.

4.2.2 Where concern about a health professional is brought to the attention of the local authority Designated Lead Manager (DLM) in the first instance, there will be discussion with the Health Board Safeguarding Lead or Designated Officer about who will take the lead for managing the professional concerns process.

4.2.3 In cases of child protection concerns about those who work or volunteer with adults at risk, there will be liaison and agreement between the relevant safeguarding managers about future management of the case.

4.3 Information Sharing and Management of Risk

4.3.1 Adult Protection Concerns Referrals will generally be managed under this protocol in the area in which they originate.

4.3.2 Within two working days of receiving the information a strategy discussion should take place between the DLM, Police and other relevant professionals to share information, plan safeguards and determine whether the case should continue to be managed under this process via a strategy meeting.

- 4.3.3 The strategy discussion should decide;
- who will be invited to the strategy meeting
 - what information should be disclosed ahead of the meeting, to allow for essential safeguards to be put in place
 - the timeframe within which the strategy meeting should be convened.
- 4.3.4 Invitees to the Strategy Meeting can include the following but consideration needs to be given to any overriding conflict of interest:
- Referring Agency
 - Employer(s)
 - Human Resources representative for the employing agency
 - The Care and Social Services Inspectorate Wales must be invited if the alert concerns a regulated setting/service
 - Police
 - Health Inspectorate Wales
 - Contracts/Commissioning officer (Local Health Board, and/or Social Services)
 - Provider, Service Manager, Proprietor or their line manager
 - Health Care Professionals, e.g. medical, nursing and therapy staff
 - Local Authority Legal Services officer or lawyer
 - Agencies with involvement with the individual e.g. care manager / social worker
 - Health and Safety Executive and Environmental Health Officer
 - Occupational therapist (e.g. if there are issues of equipment misuse)
 - Children's service if there is a relevant involvement
- 4.3.6 The Strategy Meeting should take place within seven working days of the Strategy Discussion.
- 4.3.7 A proposed agenda for the strategy meeting can be found at Appendix 1.

Data Protection Act 1995

The Data Protection Act allows for the sharing of information without consent for reasons of protection or prevention of a crime.

Personal and sensitive information should be shared in compliance with the requirements of the Data Protection Act 1998.

The Office of the Information Commissioner supports sound practice in information sharing and provides checklists to support information sharing without consent where this is justified for the protection of an individual or to prevent a crime. Further information about the data sharing code of practice can be found at www.ico.gov.uk.

Consideration must be given by each organisation to the storage, sharing, retention and disposal of files/information, in line with its own organisational policies and Freedom of Information and Data Protections Acts.

4.3.8 Employer's Risk Management Plan:

4.3.8a The Risk Management Plan may involve but is not limited to any of the following:

- Additional Supervision
- Training and Assessment of competency
- Making changes to the working arrangements to reduce risk
- Suspension, restricted duties / redeployment to allow for enquiries to unfold
- Implementation of HR processes, including disciplinary which could ultimately lead to dismissal
- Referral to professional body
- Information and Support to the Individual of Concern
- Referral to Disclosure and Barring Service

4.3.8b Whilst the overriding imperative is the safeguarding of adults at risk, employers also have a duty to comply with the requirements of Employment and Equality Law and the principles of the Human Rights Act.

4.3.8c Risk Management Plans should be recorded, retained upon the individual's file and stored securely. Any Risk Management Plan should be subject to review / reconsideration in the light of new information. An example of a Risk Management tool can be found at Appendix 2.

4.3.8d A record of the meeting will be made and attendees will receive a copy of the record, which should be stored securely in line with each agency's policy and procedures.

4.3.8e It is possible that several meetings may be required coordinating information and managing risk.

4.4 Information and Support to Individual Posing a Risk

4.4.1 Individuals who are subject to the process have the right to be treated fairly, openly and honestly. The strategy meeting / discussion will consider, in consultation with Human Resource advice, what information should be disclosed within an identified timescale but in principle each individual should be:

- Advised that there is a concern
- Informed about the professional concerns process
- Be told what support is available to them
- Be clearly informed of the outcome of the process and any subsequent actions
- Informed what should be recorded on the employee's record and retained for how long
- Informed what could be recorded on other relevant data bases

4.4.2 Any actions taken to manage the presenting risks must be seen as a neutral act and the outcome must not be pre-determined. The privacy and rights of others will have to be balanced against the needs and rights of adults at risk.

4.4.3 This process can be highly stressful. The employer will need to ensure that the individual has access to effective support and a clear line of contact for information. If the individual is a member of a Trade Union or Professional Body, they should be advised to contact that organisation.

4.4.4 An example of an information leaflet can be found at Appendix 3.

4.5 Concluding the Process

4.5.1 The Strategy Meeting should decide who should inform the individual of the outcome of the process. Best practice would suggest that the individual should also receive a letter to inform her / him of the outcome of the process.

4.5.2 The Chair of the meeting should ensure that an agreed outcome is recorded in respect of each case to allow for Quality Assurance of the process.

4.5.3 The possible recorded outcomes include:

Outcome of Strategy Meeting		
1. Police Investigation	No Further Action	
	Charge	
	Conviction	
	Acquittal	
2. Employer / HR process	Investigation took place	
	Training	
	Additional Supervision	
	Disciplinary Action	
	Dismissal	
	Other Action – please state	
	No Further Action	
3. Professional Body	Referral Made	
4. Disclosure and Barring Service	Referral Made	
5. Time taken to conclude the case	Less than one month	
	More than three months	
	More than 6 months	
	More than a year	
6.	No Further Action – Information Shared and Risk Management Implemented	

4.5.4 Further action from the Strategy Meeting may include:

Strategy Meeting: Further Action	
1. Has this case highlighted any learning?	
2. If learning has been highlighted, how the learning has been shared?	
3. Arrangements for storage, sharing and retention of information/record	Consideration must be given by each organisation to the storage, sharing and retention/disposal of files/information, in line with its own organisation's policies and Freedom of Information and Data Protections Acts

4.5.5 See Appendix 5 for further case management monitoring tools.

5 Quality Assurance and Interagency Governance

5.1 Awareness raising should take place amongst local social care providers about the significance of safe recruitment and the existence of this protocol.

5.2 Safeguarding Adults Boards should develop a method by which data from the outcomes can be collected in order to map trends or highlight concerns and inform the improvement of practice.

6 References

In Safe Hands (2000) National Assembly of Wales

Wales Interim Policy and Procedures for the Protection of Vulnerable Adults from Abuse (2010, revised Jan 2013)

Escalating Concerns With and Closures of, Care Homes Providing Services for Adults (2009) Welsh Assembly Government

Social Services and Well-being (Wales) Act 2014

Appendix 1: Agenda for Professional Concerns Strategy Meeting

This meeting/conference is held under the Wales Interim Policy and Procedures for the Protection of Vulnerable Adults from Abuse.

The issues discussed are confidential to the members of meeting and the agencies they represent.

All of the information shared today will be done so in compliance with the duties and requirements of the Data Protection Act and Freedom of Information.

1. People present, apologies and non-attendance
2. Purpose of the meeting
3. Nature of the concern
4. Roles / settings in which the individual works or volunteers.
5. Information about safe recruitment and management of the individual
6. Presentation of report by agencies
7. Consideration of risks to the adult at risk and others
8. Employer's Risk Management Plan
9. Information and support to the individual and others affected by the process
10. Information sharing with professional bodies and / or Disclosure and Barring Service
11. Recording the outcome
12. Agree terms of reference and timescales for the investigation, if there is to be one.
13. Agree an estimate for the completion of the professional concerns process.
14. Decisions / actions of the meeting
15. Date / Time of next Meeting

Appendix 2: An Example of a Risk Assessment / Management Pro Forma

Issue of concern	What are the risks in the current work / volunteering environment	Likelihood	Impact	Overall Risk Rating	Risk Management Plan Action (including review date if relevant)	By Whom	By When

Appendix 3: Example of an Information Leaflet for Professional Concerns

What is protection of adults at risk all about?

Health and social care agencies in Wales, along with Police, are working together to protect adults at risk. The Wales Interim Policy and Procedures for the Protection of Vulnerable Adults from Abuse can be found at www.ssia.cymru.org.uk.

Why have I been given this information?

Your employer has given you this information as part of their responsibility to make you aware that a concern has been raised about you that may have implications for your role with adults at risk.

In certain circumstances, to protect adults at risk or to avoid jeopardising an investigation, certain details may not be shared with you until a later date.

How will I be involved?

Information sharing will take place to make a decision about whether further investigation should take place. Your employer will make a decision about what changes need to take place while any investigation takes place; this is the Employer's Risk Management Plan. If you are a paid employee in a registered service - for example, a care home or home care worker – you may be asked to work in a different place, be placed on restricted duties or you may be asked not to come to work during the investigation. This is to protect you from being put in a difficult position while questions are asked, and to make sure the service carries out its duty of care to protect adults at risk until the situation is resolved. This does not mean that any judgment has been made about you or your work.

You will be informed about the relevant decisions of the meeting and be given the opportunity to respond to the concern that has been raised about you.

Your employer will use their own employment policies to make sure support is available for you if you need it. They will also make sure you are kept informed about what is happening and that you have enough notice to arrange for someone to support you when you attend interviews or meetings.

How will I be supported?

You can get support from:

- your employer or voluntary organisation
- your organisation's human resources department
- your trade union or staff organisation
- the Citizens Advice Bureau
- a solicitor

What happens after the investigation?

Another meeting may be held. At this meeting, we will look at the outcomes of any investigation and your employer will contact you following the meeting to inform you about the outcome of the process and any next steps in terms of the Employer's Risk Management Plan.

Confidentiality

Information may need to be shared. This information is only shared with those people involved in the process who need to know it and in order to ensure the protection of vulnerable adults at risk.

Contact Information

If you would like more information on the protection of vulnerable adults at risk, please contact your local authority's social services department.

Appendix 4: An example of a Contact / Referral form:

Date of Referral	
------------------	--

Name of Individual	
Date of Birth	
Home Address	
Children or Adult at Risk also living at the address	

Working / Volunteering role	
-----------------------------	--

Other roles with children or adults at risk – paid or unpaid	
--	--

Cause for concern	
-------------------	--

Risk Management Arrangements	
------------------------------	--

Name, Role and Contact Details of referrer	
--	--

Appendix 5: An example of a Case Management Pro Forma (Record of Designated Lead Manager (DLM) decision making)

Stage 1: Initial Evaluation

Date Referral received:	
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<p>Does the case meet the criteria for management under the process?</p> <p style="padding-left: 40px;">There should be no identifiable adult at risk that would make the case suitable for referral and management under existing adult protection processes</p> <ul style="list-style-type: none"> • Has the employee, worker, carer or volunteer acted in a way that suggests a risk of significant harm to an adult at risk? 	<p>DLM Comments / rationale for including or excluding the case for management under the process:</p> <p style="padding-left: 40px;">Consider any alternative to management under (Professional Concerns) process</p>
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Stage 2: Strategy Discussion

Date and Time of Strategy Discussion	
Those involved in the Strategy Discussion	
Record and outcome of Strategy Discussion	
Arrangements for management of risk	

Stage 3: Strategy meeting(s)

Date of Strategy Meetings	Actions/Outcomes

Stage 4: Outcome and Conclusion:

Arrangements for communicating / writing to individual about outcome	
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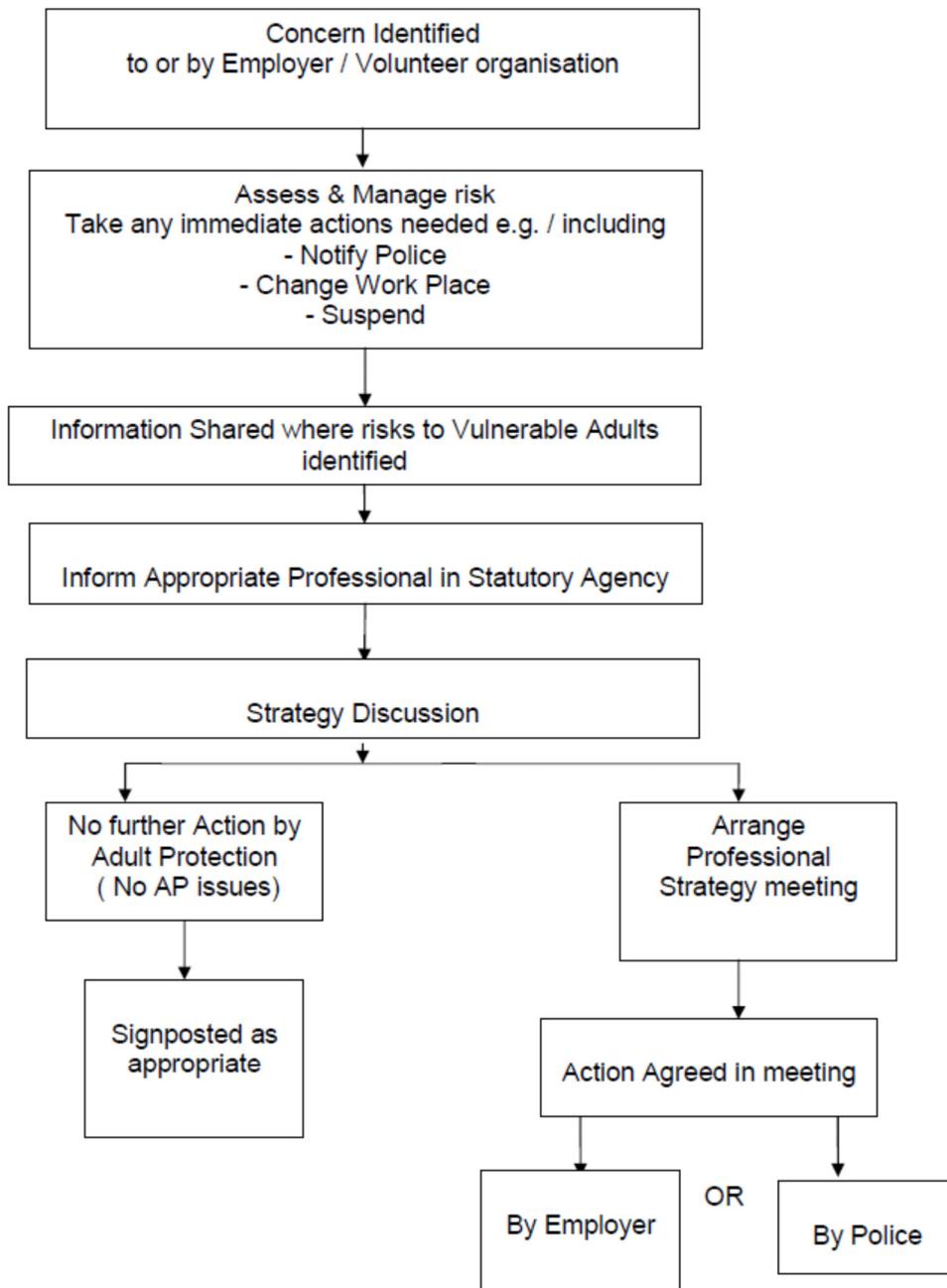
Process Type	Outcome	Yes / No
1. Police Investigation	No Further Action	
	Charge	
	Conviction	
	Acquittal	
2. Employer / HR process	Investigation took place	
	Training	
	Additional Supervision	
	Disciplinary Action	
	Dismissal	
	Other Action – please state	
3. Professional Body	No Further action	
	Referral Made	
	Sanction	
	De-registered	
4. Disclosure and Barring Service	Other Action – please state	
	Referral Made	
	Barred	
	Not Barred	
5. Time taken to conclude the case	Other Action – please state	
	Less than one month	
	More than three months	
	More than 6 months	
6.	More than a year	
	No Further Action – Information Shared and Risk Management Implemented	

Has this case highlighted any learning?	
If learning has been highlighted, how has the learning been shared?	

Closure Date and signature of DLM	
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Appendix 6: Flow chart

Flowchart: Professional Concerns for Information Sharing



Appendix 7

EXAMPLE Letter from Head of Service to Employer

Name

Address

Date

Dear

Re: (Name of Person employed by organisation)

I write to inform you that we have received information about the above named person which has caused us concern. A meeting was held in accordance with the North Wales version of the All Wales Protection of Vulnerable Adults Professional Concerns Protocol.

As a result of that meeting I write to inform you of the following:

What the person has allegedly done

xx

What we believe to be the considered risk

xx

It is anticipated that you will now take appropriate action in relation to the safety and protection of those in your care.

It is our expectation that you will advise xxxxxxxxxxxxxxxxxxxxxx of the disclosure.

We have taken measures to inform

- regulatory body
- professional body
- Independent Safeguarding Authority

Yours sincerely

Appendix 8

EXAMPLE Letter from Head of Service to Regulatory Body

Name

Address

Date

Dear

Re: (Name of Person employed by organisation)

I write to inform you that we have received information about the above named person which has caused us concern. A meeting was held in accordance with the North Wales version of the All Wales Protection of Vulnerable Adults Professional Concerns Protocol.

As a result of that meeting I write to inform you of the following:

What the person has allegedly done

XX

What we believe to be the considered risk

XX

Please find enclosed the relevant information brought to our attention which may assist you with your decision making.

We have informed the employer and we have stipulated that it is our expectation that they will advise the employee of the disclosure.

Yours sincerely



APPENDIX 8
Terms of reference for Corporate Panel for Safeguarding
Children and Adults

Terms of Reference Corporate Panel: Safeguarding Children and Adults

1. INTRODUCTION

- 1.1 Section 28 of the Children Act 2004 places a duty on local authorities to make arrangements to ensure that they fulfil their functions in a way which considers the need to safeguard and promote the welfare of children
- 1.2 The following reflects the 'Statutory Guidelines on the Functions and Accountability of Directors of Social Services' [published by the Welsh Assembly Governments – June 2009]. Although every member of staff has a responsibility to safeguard and promote the welfare of children, it is the Statutory Director of Social Services who remains the senior officer in the council with full and final accountability for safeguarding children
- 1.3 The following does not change the Constitution of Denbighshire Council. The intention is to reinforce existing reporting arrangements.

2. TERMS OF REFERENCE OF THE DENBIGHSHIRE COUNCIL CORPORATE PANEL FOR SAFEGUARDING CHILDREN AND ADULTS

- 2.1 The aim of the Panel is to ensure that robust arrangements for the safety of children and adults are in place within Denbighshire Council
- 2.2 The Panel will act on a Strategic level in order to :-
 - Assure relevant Lead Members that the Council's procedures are robust where matters of safeguarding children and adults are concerned
 - Bring together interdepartmental work in the safeguarding field and ensure effective corporate communication
 - Support the functions and duties of the Statutory Director within the Council
 - Resolve any possible barriers that could prevent having effective and successful procedures in place
 - Identify any gaps in corporate policies and guidelines and ensure they are addressed, working appropriately with the LSCB and the Adult Protection Committee
 - Ensure that appropriate training and awareness training is available for officers and members
 - Receive and consider information about trends in relation to allegations of professional abuse, and adopt action plans to respond should the need arise
 - Receive and challenge information about corporate safeguarding performance and the progress against work programmes commissioned

- Consider and understand the implications of Serious Case Reviews and ensure that the Council responds effectively to recommendations within such reviews
- Accept and challenge the Annual Report of the Statutory Director
- Approve the Policy and Guidelines for Safeguarding of every service in the Council and receive information about the performance management arrangements of every service in relation to their safeguarding responsibilities
- Produce an Annual Report for CET, Cabinet and the appropriate Scrutiny Committee

3. CHAIRING

3.1 Cabinet Member

4. FREQUENCY OF MEETINGS

4.1 Meetings every quarter

5. GOVERNANCE AND ACCOUNTABILITY

5.1 The Corporate Panel is accountable to Denbighshire Council Cabinet. The chair has the right to refer matters to the Cabinet if not satisfied

5.2 Business Management [i.e. creating a work programme, meeting agendas, secretariat, central communication point, organising additional professional advice if needed] through the function of Head of Education and Children Services

6. MEMBERSHIP

Name	Title
ClIr Bobby Feeley	Lead Member, Social Care Adults & Children Services
ClIr Eryl Williams	Deputy Lead Member, Education and Children Services
Nicola Stubbins	Corporate Director Communities
Karen Evans	Head of Education and Children Services
Phil Gilroy	Head of Community Support Services
Designated Managers	1 from each service



APPENDIX 9
Measuring Impact and Monitoring

Measuring Impact and Monitoring

In order to ensure that the procedures contained in the Corporate Safeguarding Policy are fully complied with across the Council, and that their implementation secures a positive effect on the lives of children, young people and adults, it is vital to ensure that the following steps happen:-

- It is essential that the policy is communicated effectively to all members of staff, councillors, volunteers, children, parents, carers and anyone else who is affected
- There are responsibilities for the Designated Safeguarding Managers in the Departments to ensure that all their staff are familiar with the policy and supplementary procedures
- Every department in the council has a responsibility to develop a safeguarding policy that is specific to their own service, highlighting how their internal guidelines will comply with the corporate policy and taking into consideration the National Guidelines in the field of child protection and the protection of vulnerable adults
- There are individual responsibilities on all members of staff, councillors and volunteers to advocate and promote the policy to establishments or partners, and to ensure that the Council's values and principles in the safeguarding field are communicated clearly to children, their parents, carers and to the public
- Ensure that every Department develops quality assurance processes in order to examine compliance with the policy and procedures regularly and report to the Strategic Panel for Safeguarding Children and Adults on any successes, failures or improvement programmes within their departments
- Ensure that information on every allegation of professional abuse is reported to Social Services.
- Ensure that every department reflects safeguarding as a main priority in their individual business plans, and ensure that every activity takes safeguarding issues into account as a matter of procedure
- Ensure that every department develops local indicators in the safeguarding field, and reports on a quarterly basis to the corporate performance monitoring procedure
- Secure feedback for the Council's staff with regard to activity in the safeguarding field and how their line managers support them to undertake these duties
- Ensure through participation and engagement events that children, young people, and adults feel safe in every aspect of their lives and that the Council's activities in the safeguarding field contribute to their feeling of being safe
- Ensure that self-assessment takes place regularly in schools in order to improve safeguarding practice at all schools

- Ensure that a composite annual review is submitted to the Local Safeguarding Children Board on the Council's activity in the safeguarding field
- Ensure that a training programme is available at every level which will be filtered to every member of staff in accordance with their needs, and also ensure that refresher training takes place regularly
- Ensure that an annual report is submitted to the Corporate Executive Team which will provide information on any safeguarding concerns, activity, feedback from serious case review and progress against the action plan
- Ensure that any service commissioned by or on behalf of the Council complies fully with the safeguarding expectation set in agreement with the partners, and that it is monitored regularly