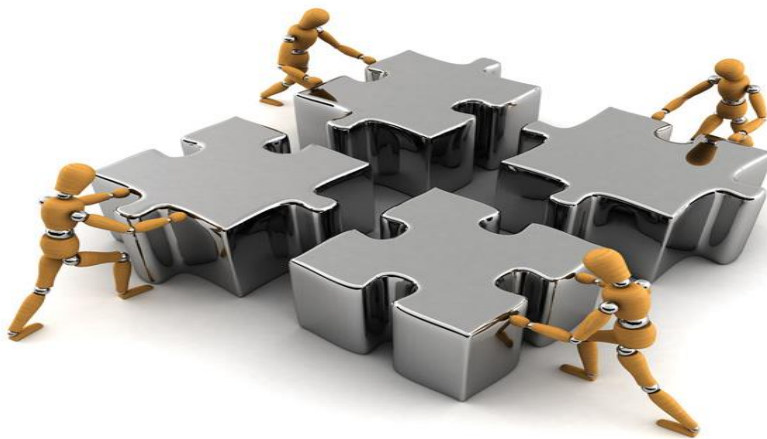


Fareham Borough Council

Safeguarding Policy -



Promoting the welfare of children and vulnerable adults

Revised December 2012 -

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Version History			
Version	Revision	Reviewer	Date
1.0	New Policy and Procedure	Janie Millerchip	December 2012
1.1			

Introduction:

Fareham Borough Council's Commitment

Fareham Borough Council is committed to providing a positive, safe environment for all children, young people and vulnerable adults, who use Council managed facilities, access Council services or participate in Council-organised activities. This includes contact with staff, elected members, our volunteers or representatives, with whom they may have contact during their involvement with the Council.

By taking active measures to safeguard those most at risk, this Council and our representatives are committed to contributing to the enjoyment and achievement of all local residents, enabling them to make a positive contribution to life and their community.

Many Fareham Borough Council services have a crucial role to play in safeguarding and the welfare of residents. Staff, volunteers and elected members may be meeting children or vulnerable adults during the course of their work. This may range from rare or occasional contact to substantial involvement such as organising and running activities and events specifically involving children and young people, enabling them to gain confidence and experience positive experiences outside of school and family.

Safeguarding legislation places an obligation on all local authorities to safeguard from harm all children and young people under the age of eighteen, irrespective of their ability, family background, sexuality, lifestyle, religion or cultural belief. This age limit is extended to the age of twenty five for people with physical or learning disabilities **and now also includes all adults in our community who are considered to be vulnerable.**

To meet this obligation Fareham Borough Council must ensure that adequate measures are in place to guide staff, volunteers and elected members who come into contact with children and vulnerable adults during their work. Whether this is working with them directly or through minimal contact as a result of other duties, it is important to understand that Council employees or our representatives will be in a position of trust.

Compliance with this policy and the associated guidelines will help staff, volunteers and elected members deal with situations in a recognised and safe manner. The guidance if followed will also help employees to avoid or manage situations where they themselves could be vulnerable to unfounded allegations, whether mistaken or malicious.

It is acknowledged that the key principles of this policy will also help and protect those individuals, the staff, representatives and elected members who may be in contact with them.

Section 1: What is abuse?

1. Regardless of the age of someone suffering abuse, abuse can be summed up as the breach of an individual's human or civil rights by another person or persons (1). It is recognised that this:
 - Can be a **single** act or **repeated** acts.
 - Can be **physical, psychological, sexual** or **emotional**.
 - Also includes acts of **neglect** or an **omission to act**.

It should also be recognised that in all forms of abuse there are elements of **emotional abuse**. **Vulnerable adults** may also suffer additional types of abuse such as;

- being manipulated financially
- being discriminated against
- inflicted with physical harm such as hitting or violence
- misused through the use of, or the withholding of their medication
- rape and sexual assault or exposure to sexual acts without informed consent
- emotional abuse such as threats, humiliation and harassment
- exploitation, ignoring medical or physical needs, or
- withholding of necessities of life such as food or heating.

Abuse may take place in a **family**, in an **institutional** or **community setting**, by those **known to the victim** or, more rarely, **by a stranger**. The abuser in any case may be an adult or adults, or a child or children. People who behave abusively come from all backgrounds and walks of life. They may be professional people; doctors, nurses, social workers, advocates, councillors, staff members or could be volunteers or others deemed to be in community or family positions of trust. They may also be relatives, friends, neighbours or people who use the same services as the person experiencing abuse.

This list is not definitive. (Formal definitions of each category of abuse are detailed at [Appendix 1](#))

2. Definitions of child and a vulnerable adult

It is acknowledged that everyone has the right to live without fear of being abused and with their rights and choices respected.

Child

A child is legally defined as anyone under the age of 18; and therefore includes all children and young people up to this age.

Vulnerable Adult

A vulnerable adult is a person aged 18 years or over and who may be unable to:

- Take care of themselves, or
- Protect themselves from harm or from being exploited.
- A person who is less able-bodied than others, or who has additional or specific needs

Some people are more vulnerable than others because they may be older or frail, have a sensory impairment, a disability, a mental health problem or have some form of illness. This means they may have difficulty in making their wishes and feelings known and this may make them vulnerable to abuse. It may also mean that they are not able to make their own decisions or choices. A person may also be vulnerable

because of a temporary illness or short-term difficulty.

A vulnerable adult may be:

- living in residential accommodation, such as a care/residential home or special school
- living in sheltered housing or other form of shared accommodation
- receiving domiciliary care in their own home
- receiving support with healthcare
- detained in lawful custody (in a prison, remand centre, young offender institution, secure training or attendance centre, or under the powers of the Immigration and Asylum Act 1999)
- under the supervision of Probation Services
- receiving a specified welfare service, namely the provision of support, assistance or advice by any person, to develop an individual's capacity to live independently in accommodation or support their capacity to do so
- is receiving a service or participating in an activity for people who have particular needs because of their age or who have any form of disability
- an expectant or new mother living in residential care
- unable to conduct their own affairs and requires assistance to do so.

3. What if you are worried about a child or vulnerable adult

Please talk through your concerns with someone as soon as possible; please don't ignore them. This can be one of the officers detailed below, your Line Manager, work colleague or your Director. If you are unsure about an issue, please contact us. If you decide that you have discovered something that needs to be reported, please contact one of the Council's designated Safeguarding Officers, as detailed below:

► **Safeguarding Lead:**

Narinder Bains, Community Safety Manager

Tel: 01329 824496 - Mobile: 07881 515059 - Email: nbains@fareham.gov.uk

► **In the absence of the above:**

Ian Rickman, Head of Environmental Health

Tel: 01329 824773 - Mobile: 07770 227155 - Email: irickman@fareham.gov.uk

These Officers are nominated to act on the Council's behalf in referring allegations or suspicions to the statutory authorities. **All reports must be referred to the Council's Corporate Safeguarding Officer** so that the Council's central safeguarding register can be maintained; we are required to do this as part of our Section 11 Audit obligations.

If the suspicion relate to the action or conduct of any member of staff , representative or Elected Member (Councillor) of Fareham Borough Council, please contact the Council's Corporate Safeguarding Director, Martyn George, Director of Community, **Tel 01329 824400** or Sarah Robinson, Head of Personnel and Development, **Tel 01329 824564**, srobinson@fareham.gov.uk

4. Third party referrals

The Council's Corporate Safeguarding Officer can only act upon information observed or witnessed by Council employees, representatives or Councillors. Although it is acknowledged that residents may 'share' their safeguarding concerns with officers, through the nature of our activities and involvement with members of the public, residents must be encouraged to report their concerns personally so that the information is first hand and an actual account of what has happened can be logged with the relevant safeguarding organisation. However, Officers and members play a very important part in encouraging residents to report their concerns themselves and it is vital to stress that such reports can be made on a completely *confidential* basis.



"...your information is important...it's another piece of the jigsaw, it could be the piece of information that's missing"

5. Out of Hours advice:

Children and Young People:

Should an issue occur outside of normal office hours, you can contact the respective Out of Hours team for advice and information, you can initially seek advice by asking to speak with the Duty Social Worker:

► **Children and young people:** Hampshire County Council, **Children's Services** - Out of Hours Duty team: **0845 600 4555** and ask to speak to the **Duty Social Worker**.

Vulnerable Adults:

► **Vulnerable Adults:** Hampshire County Council, **Adult Services** - Out of Hours Duty team: **0845 600 4555**

*If you consider it to be **an emergency**, contact the **Police** directly, **by calling 999 or 0845 6060 247**.*

Section Two: Safeguarding Policy

1. General Principles

Fareham Borough Council (FBC) delivers a range of services which help to improve the lives and outcomes for children, families and vulnerable adults. Services can be delivered in a variety of ways and settings. This policy applies to all our services, regardless of their mode of delivery. It also applies to any setting where we may deliver services whether it is from FBC owned or operated -buildings or out in the community.

The Council recognises that all children and vulnerable adults have a right to protection from abuse and this policy acknowledges our responsibility to safeguard and promote the welfare of children and vulnerable adults. The legislative framework that underpins this policy is outlined at [Appendix 2](#).

Within its safeguarding agenda, Fareham Borough Council is committed to the following principles:

- I. promoting good practice to enhance the safeguarding of children and vulnerable adults, irrespective of age, class, religion, culture, disability, gender, ethnicity, sexual orientation, nationality, family, dependency, marital or economic status;
- II. contributing positively to improving outcomes for these groups through the development and delivery of services;
- III. recognising our duty, under Section 11 of the Children Act 2004, to ensure that functions and services we provide have acknowledged the need to safeguard and promote the welfare of children;
- IV. working with partners within inter-agency frameworks to ensure that children and vulnerable adults at risk of abuse, receive the necessary protection and support;
- V. acting in a way that supports the right of the individual to lead an independent life based on self-determination and personal choice, recognising that this can involve risks which need to be managed;
- VI. recognising that the identification of abuse is the responsibility of all members of the community. It is also the responsibility of Council staff (and representatives) within their duties, to raise awareness, provide support and take appropriate action.

The Council has in place a range of policies and procedures, which contribute to the safeguarding agenda and promoting the welfare of children and vulnerable adults. These include legislative requirements, professional standards and general good practice. A list of relevant policies which contribute to safeguarding is shown in [Appendix 4](#).

2. Statement of commitment to safeguarding children, young people and vulnerable adults

The Council will:

- Not ignore abuse of any kind and will work to ensure that policies and practices are up to date, consistent with local multi-agency procedures and meet the needs of any of our legal obligations
- Contribute to partnership arrangements through the:
 - Hampshire Safeguarding Children Board
 - South-East Multi Agency Safeguarding Forum
 - Hampshire Safeguarding Adults Board,

Multi-Agency Public Protection Arrangements

- Meet the requirements of relevant local Safeguarding Children Board Policies & Procedures and Vulnerable Adult Safeguarding Board Policies and Procedures.
- Ensure that all allegations, disclosures or suspicions of abuse are dealt with appropriately.
- Acknowledge the Government's directive: Working Together to Safeguard Children: A guide to inter-agency working and any subsequent revisions.
- Rigorously apply safe recruitment and selection practices that comply with the guidance of 'Working Together' 2010.
- Ensure that any individuals working for or on behalf of the Council, with access to children or vulnerable adults, undertake approved safeguarding training.
- Ensure that all people delivering a service on behalf of the Council, understand and accept their responsibility with regard to safeguarding and promoting the welfare of children and vulnerable adults. This includes their continued commitment to reporting their concerns.
- Ensure that all employees, Elected Members and other representatives associated with the delivery of Council services are aware of the Safeguarding Policy and Procedures and their responsibilities for safeguarding and promoting the welfare of children and vulnerable adults.
- Provide appropriate awareness and training opportunities for staff, volunteers and Members to equip them to carry out their responsibilities effectively. This will include general awareness, service-specific and specialist training as appropriate.
- Co-operate with Child Death and Serious Case Reviews where these may be linked to any area of the Council's responsibility, in accordance with locally agreed arrangements.

3. Roles and Responsibilities

To safeguard and promote the welfare of children and vulnerable adults across Fareham Borough Council activity, the Council's **Chief Executive's Management Team** will endorse and implement the Safeguarding Policy, procedures and conduct regular reviews of the Council's Safeguarding Register. This will include monitoring the effectiveness of policy and procedures to ensure action is taken to safeguard and promote the welfare of children and vulnerable adults across the council's operation.

The **Community Development Manager** is the **Corporate Safeguarding Officer** and will ensure the Council fulfils its statutory duties, in accordance with the Council's policy and procedures.

The **Director of Community** is the **Corporate Safeguarding Director** and will take corporate responsibility to ensure the Council's Safeguarding arrangements are implemented and managed across the authority.

The **Head of Personnel** will ensure that all allegations against staff are fully investigated and that an appropriate course of action is taken.

4. Confidentiality & Data Protection

Confidentiality

The legal principle that “the welfare of the child is paramount” means that the considerations of confidentiality that might apply to other situations within the Borough Council should not be allowed to override the right of the child to be protected from harm. The same applies to vulnerable adults.

The Data Protection Act 1998 makes clear that the duty of confidentiality which a professional owes to their client, is over ridden by the duty to report information about possible harm to a child or vulnerable adult.

Every effort should be made to ensure that confidentiality is maintained for all concerned both when an allegation is made and whilst it is being investigated. See the Council’s guidance on Data Protection - http://www.fareham.gov.uk/about_the_council/data_protection/dataprotection.aspx

As a point of good practice, unless doing so could place the child or vulnerable adult in more harm, the parent/carer can be informed of this action as you could be sharing sensitive information. Every case needs to be viewed on individual circumstances; although this may be advisable in some cases, it does not have to be done. **There is nothing in law which stops a person from passing on concerns, especially when someone is understood to be at risk.**

Record keeping

Records should be stored securely and shared only with those who **need** to know. These procedures not only serve to protect children/ adults but also protect employees, Members, volunteers and the Council itself.

All written/electronic communications should be marked CONFIDENTIAL and sent only to the named person/s dealing with the case. The importance of good record keeping in this area cannot be overstressed.

5. Commissioned or Contracted Services

Any Contractor or Sub-Contractor, engaged by the Council in areas where workers are likely to come into contact with families with children, young people or vulnerable adults should have their own Safeguarding Policy.

Alternatively, where no such policy exists, Contracted organisations must comply with the terms of the Council's Policy; this directive will be a condition of the Contract. This includes responsibility to ensure that workers with the potential to come into contact with children, young people or vulnerable adults are subject where necessary, to relevant DBS Checks (*formerly referred to as CRB checks*) and pre-employment checks. (*Please see Appendix 3 for more details*) This applies to all contracts even those not requiring a formal tender. At the very least, contractors are to have received basic safeguarding awareness training, to enable them to identify issues of concern.

6. Community use of Council-owned facilities

Where facilities are let or hired to external groups for use with children, young people or vulnerable adults and in the case of children, when parents/carers may not be present, the *hirer* will need to satisfy the *hiring body* that they :

- Have valid, adequate public liability insurance in place;
- Have a suitable safeguarding policy in place (covering children, young people and vulnerable adults) or agree to operate within the provisions of the Council’s policy in the absence of their own;
- Keep a register detailing the safeguarding concerns of any participants;
- Ensure lead staff have valid Disclosure and Barring Service checks (DBS) at the appropriate level;
- Ensure that all staff within that organisation designate a Safeguarding Lead Officer;
- Have appropriate recruitment and selection processes in place, including those for volunteers to ensure that only suitable, positive individuals are engaged in their activities;
- Carry out risk assessments for individual activities to ensure potential risks are managed appropriately and any identified concerns are minimised.

The hirer is classed as any party wishing to use a facility, regardless of the rate of rental payment that may be agreed at the time of booking. This also applies to groups who may use facilities free of charge, in a voluntary capacity or at a reduced rate.

7. Photography, Film and Media

Photographs can be used as a means of identifying children and young people especially when images are accompanied with personal information. This information can make children vulnerable e.g. to an individual who may wish to groom that child for abuse. The content of an image can be adapted for inappropriate use and there is evidence of adapted material finding its way on to unlawful sites.

The Council, in the delivery of its services, will ensure that all necessary steps are taken to protect children, young people and vulnerable adults from the inappropriate use of photographic images. At any event run by the Council to which children or young people are invited or involved:

- Consent must be sought from parents/carers to photograph or record children and young people. An example consent form is available in **Appendix 7**.
- Staff, Members and volunteers should be vigilant at all times regarding the use of cameras, camera phones or videos at events, which involve children and young people.
- Event organisers will be responsible for ensuring that children and young people are informed that photographers may be in attendance at an event and ensure they have the necessary consent and registration forms. Arrangements should also be made to ensure the wishes of those who wish to opt out of photographs, are accommodated.
- Where possible in publicising an event, the Council will not use a child’s image in conjunction with the name or personal details of the child. We will never publish personal details of a child or young person. We will only publish images of young people where we have prior permission.
- Council Officers will ensure that consent/registration forms and images are stored safely.
- Council Officers will act on all concerns of any child, young person or carer regarding inappropriate use of photographic equipment/images.

8. Social media & e- safety

Do you work with children and young people in your day job? Are aware of your responsibilities outside work....?

The internet and the world-wide web, has opened up global access to information, recreation and social networking opportunities. Networking sites; such as Facebook, Twitter & Messenger along with communication media, discussion forums and bulletin boards are all used as a means of communicating and reaching many children and young people worldwide. With the world at our finger tips, accessed with immediate links via hand-held appliances to the web and social networking sites, means we live life 'virtually', on-line 24/7, as well as physically, in our day to day activities.

New technologies have become integral to the lives of many in today's society, including children and young people. The internet, along with other digital and information technologies are powerful tools, which open up new opportunities for everyone. Electronic communication helps us all learn from each other, whether formally or informally.

However, we need to be aware that some of us may be viewed **as a role** model by young or vulnerable people with whom we may be working or supporting. Therefore, it is always wise to think about how and where your profile or information about you can be viewed? A guide on good practice is available from Personnel Services if you would like further information.

9. Monitoring & Review

We will continually monitor safeguarding activity in the Council through regular review meetings with the Corporate Safeguarding Officer. An annual report will also be prepared for the Chief Executives Management Team and the Council will adhere to the Children Act (2004) by completing an annual Section 11 Audit and regularly reporting our progress to Hampshire Safeguarding Children Board and incorporating any recommendations in to our on-going practice.

The Council will also contribute to Hampshire's Safeguarding Children Board (HSCB), through regular contribution to the local Multi Agency Safeguarding Forum (MASF) and contribute to other policy development issues as requested. In order to ensure that the Councils Policy continues to reflect national direction and new guidance, it is our intention to review our Safeguarding Policy and Procedures every three years, ensuring it remains effective and consistent with locally agreed inter-agency procedures.

Section Three: Reporting procedure for children

1. How to report suspected abuse - children

As in Section 4, any individual to whom this Policy applies has a responsibility to alert any concerns they have relating to children's safeguarding. The Corporate Safeguarding Officer, or their Deputy, has a responsibility to **refer** any concerns to the appropriate referral agency.

Where staff are unable (or reluctant) to come forward with their concerns, the Designated Safeguarding Officer must decide how the concerns should be communicated to Children's Social Care or the Police. You must also be aware that other agencies may have also raised concern and that your information is another part of a wider picture.

In the majority of cases the Council's involvement in the procedure ends once a referral has been made.

Remember... it is not up to Fareham Borough Council Officers to decide if abuse has taken place, that is the role of Hampshire County Council- Children's Services, **BUT** it is up to us to report **ANY** concerns to the Corporate Safeguarding Officer. Children and vulnerable people rarely have the ability to protect themselves from abuse and make it stop.

We have a legal responsibility to respond to any issues that may concern us even if they don't involve our staff or services.

2. What to do in responding to a child or young person who has chosen to confide in you about an assault or incident (a disclosure)

A child or young person who is being abused will want the abuse to stop. He or she will only confide in a person who they trust and feel safe with. Finding yourself in such a position can be daunting but it is essential that you remain calm and ensure you are quite clear about what the child has told you.

You should:

- reassure the child or young person that they have done the right thing;
- as soon as you can, tell them that you **have** to act on the information they are giving you by passing it on to someone else who can help;
- listen to the child or young person;
- never stop a child or young person who is freely recalling significant events;
- keep questions to a minimum;
- if you need to clarify, only use open questions e.g. who, what, where, when;
- avoid closed question i.e. ones that can be answered by a single word such as yes or no;
- don't lead the disclosure in any way;
- after they have given an initial account, no further questioning should take place unless by police or Children's Services Department;
- If a child makes an allegation to you asking that you keep it confidential, you should inform the person that you will respect their right to confidentiality as far as you are able to, but, that you are to help them, you may not be able to keep the matter secret
- ensure that you record the account in **the child's words, as soon as possible** and contact your manager or the Council's Safeguarding Officer immediately;

3. Alerting Procedure - What steps should you take?

What should you do if a Child has talked to you about abuse?

Make a note immediately of exactly what the child has said, what you said in reply, when the child spoke to you and what was happening immediately beforehand. Record names, places, dates and times of the events and when the record was made. For further guidance see **Appendix 12**.

Alert the Safeguarding Officer (or their Deputy) about your discussion immediately and give them your notes in an envelope marked '**Private and Confidential**' or in a **confidential e-mail**.

Advice must be sought from Children's Services where there are concerns about a child going home to a potentially abusive or harmful situation. On a rare occasion it might be necessary for Children's Services or the Police to discuss putting into effect safety measures for the child so that they do not return home.

What should you do if you witness abuse?

If you witness abuse or abuse has just taken place priorities must be to:

Ensure Safety:

The first priority is to ensure the safety and protection of the child or young person. In making the child (and others potentially at risk) safe it may be necessary to inform other services. Also, take steps to ensure yourself, staff and other service users are safe.

Good Practice - Recording:

- Any information given directly by the child or young person concerned should be listened to and recorded carefully, using the person's own words
- Clarify the bare facts of the reported abuse or grounds for suspicion; do not ask leading questions e.g. suggesting names of who may have perpetrated abuse if the person does not disclose it
- If a child or young person makes an allegation to you asking that you keep it a secret, you should tell them that you will only tell the people who need to know but, that you are not able to keep the matter secret
- Record all factual evidence accurately
- Never prevent or persuade another person from raising concerns, suspicions or presenting evidence.
- Don't share any information about the incident without agreeing this with the Corporate Safeguarding Officer and/or your line manager.

Good Practice - Talking to Parents/Carers: In most cases...

- Be open and honest at the outset with parents/carers about child protection concerns and any action which the Council intends to take.
- Where a referral is to be made, all reasonable efforts should be made to inform parents/carers. However, an inability to inform parents/carers should not prevent a referral from being made.
- Don't think "what might happen if I make a referral?" – think "what might happen if I don't?"

Making a Referral to Children's Services

Once the Corporate Safeguarding Officer (or their Deputy or Case Officer) has gathered the relevant information from the **alerter**, they have a **duty** to make a referral to the relevant Children's Services.

Where concerns that a child is suffering, or likely to suffer, significant harm are received by the Designated Safeguarding Officer, a **referral** should be made **immediately**. Urgent referrals are usually made by telephone, supported by a written referral within 24 hours.

Prior to making a referral, the referrer and alerter should gather as much information as possible about the allegation, if necessary, the Child Protection Report Form in **Appendix 13** can be used to prompt the information required. If, in completing the form, the referrer does not have access to all the required information this should **NOT** delay making the referral.

After a referral

Sometimes, following a referral, Council staff may be involved in an assessment meeting in line with Hampshire Safeguarding Children Board procedures and where other agencies will also be invited to attend. In addition where there is a criminal investigation staff may be required to co-operate with the Police. In all circumstances staff will receive appropriate support from their manager and the Designated Safeguarding Officer will provide support and guidance where appropriate.

Good Practice - Confidentiality

- The identity, information and/or suspicions about the welfare of a child should be treated in strictest confidence and discussed only with the Council's nominated officers, appropriate Children's Social Care Officers or the Police. In sharing information with Children's Social Care or the Police the welfare of the child is paramount and overrides all other considerations regarding the sharing of information.
- Any confidential notes, records, written complaints or allegations, should be forwarded as soon as possible to the Designated Safeguarding Officer in a sealed envelope marked "**Private and Confidential (Addressee Only)**".
- The Designated Safeguarding Officer is responsible for maintaining accurate secure written records of all concerns received, and action taken in response.
- The Named Senior Officer is responsible for keeping secure written records of all allegations of abuse made against staff, Members, volunteers, contractors and licensees, and details of management action taken.

If you wish to refer, or talk through your concerns, please contact:

Corporate Safeguarding Officer:

Janie Millerchip, Community Development Manager: Tel: 01329 824597, jmillerchip@fareham.gov.uk

Section Four: Procedure for vulnerable adults

1. How to report suspected abuse - Adults

Every individual to whom this policy applies has a responsibility to Alert the Corporate Safeguarding Officer, or their Deputy, of any safeguarding concerns they have or actions they have taken (including a direct **Referral** to social care or the police, if out of hours). The Corporate Safeguarding Officer, or their Deputy, has a responsibility to refer any concerns to the appropriate agency, following an agreed multi-agency procedure.

In the majority of cases, the Borough Council's involvement in the procedure ends once a referral has been made.

Remember... it is not up to FBC Officers to decide if abuse has taken place, that is the role of Hampshire County Council Adult Services BUT it is up to employees & representatives to discuss or report ANY concerns to the Corporate Safeguarding Officer.

We have a legal responsibility to respond to any issues that may concern us even if they don't involve our staff or services. This includes a responsibility to formally report our concerns with verbal or written evidence.

2. Good Practice - recording what concerns you:

- Any information given directly by the adult concerned should be listened to and recorded carefully, using the person's own words
- Clarify the bare facts of the reported abuse or grounds for suspicion; do not ask leading questions e.g. suggesting names of who may have perpetrated abuse if the person does not disclose it
- If a vulnerable adult makes an allegation to you asking that you keep it confidential, you should inform the person that you will respect their right to confidentiality as far as you are able to, but, that you are not able to keep the matter secret
- Record all factual evidence accurately
- Never prevent or persuade another person from raising concerns, suspicions or presenting evidence.
- Don't share any information about the incident without agreeing this with the Designated Safeguarding Officer and/or your line manager.

3. Referring Procedure

Referring is the responsibility of any of the nominated Officers who have either received information from an Alerter - a member of staff, representative or elected member, or who have their own safeguarding concerns.

If you wish to discuss your concerns or make a referral, please contact:

Corporate Safeguarding Officer:

Janie Millerchip, Community Development Manager: Tel: 01329 824597, jmillerchip@fareham.gov.uk

Section Five: Managing Allegations

1. Introduction

Where an allegation of abuse is made against a member of staff or elected members, relevant disciplinary procedures may be invoked as well as reporting the case to the appropriate authorities. Any investigation taken under Local Safeguarding Children and Vulnerable Adults Policies & Procedures will take precedence over the Council's internal disciplinary procedures.

2. Who do these procedures apply to?

These procedures apply to staff, volunteers and Members of Fareham Borough Council as well as others that may not have a direct employment relationship with us but where we will need to consider whether to continue to use the person's services, or to approve or licence them as suitable to work with children and vulnerable adults.

3. Scope of Allegations to which these Procedures Apply

These procedures apply to a wide range of allegations, including those that indicate a person may be unsuitable to work with children in their present position, or in any capacity. They are therefore to be followed in respect of any allegation that a person who works with children has:

- Behaved in a way that has harmed, or may have harmed, a child or someone who is vulnerable;
- Possibly committed a criminal offence against, or related to, a child or vulnerable person;
- Behaved towards a child or children in a way that indicates they are unsuitable to work with children.

4. What to do if you have concerns about a colleague

Where you have concerns about a colleague, you should report these concerns to the Council's **Corporate Safeguarding Officer** (or their Deputy) – see **Appendix 5** for the current contact information – who will manage the allegation in line with the agreed multi-agency procedures.

All allegations against staff should be reported to the **Corporate Safeguarding Officer**. This person is the Council's designated officer for the management of allegations against staff and it is they who will liaise directly with the appropriate agencies.

Allegations against Councillors

Where an allegation is made against an Councillor this should be referred in the first instance to the **Corporate Safeguarding Director** who will then engage the Council's Monitoring Officer who has responsibility to address Member code of conduct related issues.

5. What happens if an allegation is made?

Where there are allegations of abuse or concerns about poor practice of an employee or Councillor the Council's Corporate Safeguarding Officer will refer the allegation to the appropriate Local Authority.

It can be very worrying to have concerns about a person's safety or welfare that relate to the conduct of a colleague. The Council recognises that this can involve additional anxiety for those reporting concerns. The Council will ensure that support mechanisms are in place and offered to anyone who raises a

concern in order to ensure that they are confident that the issues raised will be dealt with appropriately. These include confidentiality guidelines and access to counselling services.

6. Support for staff

If an allegation is made towards another member of staff, full support will be given in line with the Council's Whistle-blowing Policy.

Equally, support will be given to a member of staff who is the subject of an allegation. The member of staff will be informed about the concerns or allegations as soon as possible and give an explanation of the likely course of action – unless there is an objection to this from the Police or other agency

All members of staff involved in a disclosure will be offered support through the Council's Occupational Health programme and will be offered access to counselling services.

Safeguarding Children, young people and vulnerable adults

Appendices and Guidance Papers

Appendix 1

Definitions and Indicators of Abuse

Physical abuse

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

Possible Indicators of physical abuse:

- History of unexplained falls or minor injuries
- Unexplained bruising
- Unexplained burns in unusual locations or unusual type
- Unexplained fractures to any part of the body
- Unexplained lacerations or abrasions
- Slap, kick, pinch or finger marks
- Injuries/bruises similar shape to an object
- Untreated medical problems
- Weight loss – due to malnutrition or dehydration; complaints of hunger
- Appearing over medicated.

Psychological or Emotional abuse

Psychological or emotional abuse is the persistent emotional maltreatment of a child or vulnerable adult such as to cause severe and persistent effects on emotional development or health. It could include threats of harm or abandonment, forced marriage, deprivation of contact, humiliation, blaming, controlling, intimidation, coercion, harassment, verbal abuse, isolation or withdrawal from services or supportive networks.

Possible Indicators of psychological or physical abuse:

- Ambivalence about the parent or carer
- Fearfulness expressed in the eyes; avoids eye contact with the parent or carer, flinching when approached
- Deference
- Overtly affectionate behaviour toward the alleged perpetrator
- Insomnia or need for excessive sleep
- Change in appetite
- Unusual weight gain/loss
- Tearfulness
- Unexplained paranoia
- Low self-esteem
- Excessive fears
- Confusion
- Agitation.

Sexual abuse

Sexual abuse involves forcing or enticing a child, young person or vulnerable adult to take part in sexual activities, including prostitution, whether or not they are aware of what is happening. The activities may involve physical contact, including penetrative or non-penetrative acts. Non-contact sexual abuse includes abuse through sexual exploitation, looking, pornographic photography, indecent exposure, harassment, unwanted teasing or innuendo.

Penetrative sex where one of the partners is under the age of 16 is illegal, although prosecution of similar age, consenting partners is not usual. However, where a child is under the age of 13 it is classified as rape under Sexual Offences Act 2003, (Section 5).

Possible Indicators of sexual abuse:

- A sudden change in usual behaviour for no obvious reason
- Sudden onset of confusion, wetting or soiling
- Withdrawal, choosing to spend the majority of time alone
- Unusually overt sexual behaviour/language by child or vulnerable adult
- Self-inflicted injury
- Disturbed sleep pattern and poor concentration
- Difficulty in walking/sitting
- Sexually transmitted urinary tract/vaginal infections
- Bruising to thighs and upper arms
- Frequent infections
- Severe upset or agitation when being bathed/dressed/undressed/medically examined
- Pregnancy in person not able to consent.

Neglect

Neglect is the persistent failure to meet basic physical and/or psychological needs, likely to result in the serious impairment of health or development. Neglect may occur during pregnancy as a result of maternal substance abuse. Neglect may involve a parent or carer failing to:

- Provide adequate food, clothing and shelter (including exclusion from home or abandonment);
- Protect a child or vulnerable adult from physical and emotional harm or danger;
- Ensure adequate supervision (including the use of inadequate care-givers);
- Ensure access to appropriate treatment.

**It may also include neglect of, or unresponsiveness to, a child or vulnerable adult's basic emotional needs.*

Neglect or "acts of omission" include ignoring medical or physical care needs, failure to provide access to appropriate health, social care or educational services, the withholding of the necessities of life, such as medication, adequate nutrition and heating.

Possible Indicators of neglect:

- Poor condition of accommodation
- Inadequate heating/lighting
- Physical condition of person is poor, e.g. ulcers, sores, dirty, untreated lice infestations
- Clothing in poor condition, e.g. dirty, wet, torn
- Malnutrition

- Failure to give prescribed medication or medical care
- Failure to ensure privacy and dignity.

Financial or material abuse – Vulnerable Adults

Financial abuse includes theft, fraud, exploitation, pressure in connection with wills, property or inheritance or financial transactions, or the misuse or misappropriation of property.

Possible Indicators of financial abuse:

- Unexplained or sudden inability to pay bills
- Unexplained or sudden withdrawal of money from accounts
- Person lacks belongings
- Lack or receptiveness to assistance requiring expenditure
- Extraordinary interest by family members or the carers in the persons assets or finances
- Power of attorney obtained when a vulnerable adult is not able to understand the purpose of the document
- Recent changes in deeds or title of property
- High levels of expenditure with no evidence of benefit
- Personal items going missing.

Discriminatory abuse

Abuse may be targeted at a perceived vulnerability or on the basis of prejudice including racism, sexism, or that based on a person's disability or sexuality. It can take other forms of abuse such as harassment, slurs or similar treatment.

Possible Indicators of discriminatory abuse:

- Hate mail
- Verbal or physical abuse
- Criminal damage to property.

Institutional abuse

Institutional abuse can be different from other forms because it is about who abuses and how that abuse comes about. Institutional abuse can take any of the other forms.

Possible Indicators of institutional abuse:

- May be reflected in enforced schedule of activities, the limiting of personal freedom, the control of finances, lack of adequate clothing or food, poor personal hygiene, lack of stimulating activities, low quality diet
- Institutions may include residential or nursing homes, schools, boarding schools, hospitals, day centres, and children's homes.

Appendix 2

LEGISLATIVE FRAMEWORK

Children Act 1989

Places two specific duties on Borough Council's to co-operate in the interests of children in need.

Section 17(10) states that a child shall be considered to be in need if:

- a.** He/she is unlikely to achieve or maintain, or to have the opportunity of achieving or maintaining, a reasonable standard of health or development without the provision for him of services by a local authority under this Part.
- b.** His/her health or development is likely to be significantly impaired, or further impaired, without the provision for him of such services, or
- c.** He/she is disabled.

Section 27 provides that a Children's Services Authority may request help from any local authority in exercising the local authority's functions under Part 3 of the Act. Part 3 places a duty on local authorities to provide support and services for children in need. The authority whose help is requested in these circumstances has a duty to comply with the request, provided it is compatible with its other duties and functions.

Section 47 places a duty on any Local Authority to help another Local Authority (i.e. Children's Services Authority) with its enquiries in cases where there is reasonable cause to suspect that a child is suffering, or is likely to suffer, significant harm.

Children Act 2004

Section 10 requires each Local Authority (i.e. Children's Services Authority) to make arrangements to promote co-operation between the Authority, each of the Authority's relevant partners (including District Councils) and such other persons or bodies working with children in the Local Authority area as the Authority considers appropriate. The arrangements are to be made with a view to improving the wellbeing of children in the Authority's area that includes protection from harm or neglect alongside other outcomes. This section is the legislative basis for Childrens Trust arrangements.

Section 11 requires a range of organisations (including District Councils) to make arrangements for ensuring that their functions, and services provided on their behalf, are discharged with regard to the need to safeguard and promote the welfare of children.

Section 13 requires each Childrens Services Authority to establish a Local Safeguarding Children Board. It also requires a range of organisations (including District Councils) to take part in Local Safeguarding Children Boards.

Working Together to Safeguard Children: A guide to inter-agency working to safeguard and promote the welfare of children – 2010, **revised in 2013**)

No Secrets, 2000

Standards in Safeguarding Adults, 2005

Appendix 3

Disclosure and Barring Service *the new system which replaces Criminal Record Bureau Checks ('CRB's)*

Disclosure and Barring Service

The Criminal Records Bureau became the Disclosure and Barring Service on 1 December 2012. CRB checks are now known as *DBS Checks*.

There are 4 types of DBS check which can be carried out by the Authority:

- **Basic** - via Disclosure Scotland. This only shows unspent convictions and cautions which the Council ask all employees to declare independent of the role they are employed to undertake. The Council verify the information provided via a Basic disclosure for posts which use secure databases (such as GCSx accounts) as required by the Baseline Security Standard.
- **Standard** - can be applied for when a post is exempt from the Rehabilitation of Offenders Act. For the Council this covers posts such as the Civil Enforcement Officers. A Standard DBS covers Spent and Unspent convictions, cautions, reprimands and final warnings.
- **Enhanced** - can be applied for when a post works with children and vulnerable adults and met the old definition of 'Regulated Activity' which was in place prior to Sept 2012. For the Council, this includes posts such as the Anti Social Behaviour Officer and Community Development Manager. An Enhanced CRB covers Spent and Unspent convictions, cautions, reprimands and final warnings plus any additional information held locally by police forces that's reasonably considered relevant to the post applied for.
- **Enhanced plus** includes the same information as an Enhanced check but also includes a check of the appropriate DBS Barred Lists in relation to children or vulnerable adults. The Council are only authorised to request such a check where the work meets the new definition of 'Regulated Activity' (see below) in place since September 2012. For the Council this covers posts such as the Sheltered/Mobile Housing Officers.

Barred Lists

It's against the law for employers to employ someone or allow them to volunteer in 'Regulated Activity' if they are on one of the barred lists.

Employers must refer someone to the DBS for consideration to be placed on the 'barred lists' if for example they:

- Dismissed them because they harmed a child or adult
- Dismissed them because they **might** have harmed a child or adult or
- were planning to dismiss them for either of these reasons, but the person resigned first.

What is 'Regulated Activity?'

The Protection of Freedoms Act was introduced on 10 September 2012 and scaled back the arrangements for DBS Checks and redefined 'Regulated Activity' in relation to work with children and vulnerable adults.

Although Organisations can continue to access criminal record information on individuals at the highest level, this can only be done where the work they do justifies it and meets the new definition of 'Regulated Activity'.

Regulated Activity relating to children covers:

- 1) Unsupervised activities - teaching, training, caring for or supervising children, or providing advice/guidance on well being.
- 2) Work for a limited range of establishments (schools, nursery, and children's centres) with the opportunity for contact with children. (this does not include supervised volunteers)

Work in categories 1 and 2 is only regulated activity if it is carried out regularly.

- 3) Relevant personal care for example, washing, dressing, health care supervised by a professional
- 4) Registered childminding and foster caring
- 5) Day to day management or supervision of individuals carrying out regulated activity to children.

Regulated Activity relating to adults covers the following activities or anyone supervising posts in these categories.

- 1) Those providing health care - doesn't include work place first aiders, life coaching
- 2) Those providing personal care
- 3) Those providing Social Care
- 4) Those providing assistance with general household matters i.e. handling cash, paying bills, shopping
- 5) Those assisting a person with the personal management of their affairs.
- 6) Those who transport an adult because of their age, illness or disability from their place of residence to a place where they are receiving health or social care i.e., hospital porters, patient transport service drivers.

In relation to adults, they are no longer labelled as 'vulnerable'. Rather the definition identifies the activities which, if any adult requires them, lead to that adult being considered 'vulnerable' at that time. There is also no longer a requirement for an activity to be carried out a certain number of times.

Appendix 4

POLICIES WHICH LINK TO SAFEGUARDING

Personnel Policies, Procedures and Regulations including:

- Capability Procedure
- Disciplinary & Grievance Procedures
- Dignity at Work Policy
- Member Code of Conduct (Standards Board Guidance)
- Recruitment and Selection Procedures
- Relationships at Work Policy *do we have one?*
- Staff Handbook
- Code of Practice on Confidential Reporting ("Whistleblowing")
- Anti-Fraud and Corruption Policy
- Guidance on Propriety and Probity (FRSD 18)

Health & Safety Policies, Procedures and Regulations including:

- Accident Report Guidance
- Council Policy - Risk Assessment
- Driving - Council Vehicles Policy
- Managing Health and Safety
- RIDDOR 1995
- Alcohol & Drugs Misuse Policy
- Violence at Work Guidelines
- Lone Working Policy

ICT Policies, Procedures and Regulations including:

- Information Security
- Confidentiality and Disclosure of Information
- Electronic Communications Code of Conduct (telephones, computers and software, e-mail and Access to the Internet)
- Information and Record Keeping
- Protecting Personal Information and Data Protection Act 1998
- Access to Official Information and Freedom of Information Act 2000
- Information Legislation
- Protective Markings
- ICT Equipment Conditions of Use

This list is not exhaustive and it is acknowledged that the Safeguarding Policy may support other council policies and directives, as and when they are developed or reviewed.

Appendix 5

CODES OF CONDUCT

These provisions apply to all Members and Officers acting in their professional capacity on behalf of Fareham Borough Council

DO

- Treat all children and vulnerable adults fairly and with respect.
- Be aware of the procedures for reporting concerns and how to contact the Designated or Deputy Safeguarding Officers.
- Be aware that physical contact with a child or vulnerable adult may be misinterpreted. There may be occasions when this is unavoidable, such as comfort at times of distress, or physical touch in sport. In all such cases contact should only take place with the consent of the child or vulnerable adult and you should inform the Designated Safeguarding Officer or your Line Manager of the circumstances.
- Respect the right of a child or vulnerable adult to personal privacy.
- Make others (for example your line manager/the Designated Safeguarding Manager) aware if you find yourself the subject of inappropriate affection or attention from a child or vulnerable adult.
- Report to the Designated or Deputy Safeguarding Officer any safeguarding concerns including allegations or suspicions of abuse.

DO NOT

- Spend time alone with children or vulnerable adults, away from others. Meetings with individuals should be avoided or take place within sight of others. If privacy is needed, the door should remain open and other staff or volunteers should be aware of the meeting.
- Take children or vulnerable adults alone in a car, however short the journey. Where this is unavoidable it should be with full knowledge and consent of the parents/carer and the manager responsible for the service/activity.
- Engage with children, young people or vulnerable adults via internet chatrooms; instant messaging services e.g. MSN messenger; social networking sites such as Facebook or MMS/SMS services (mobile phone texting).
- Meet children or vulnerable adults outside of organised activities, unless it is with the knowledge and written consent of the parents/carer and the manager responsible for the service/activity.
- Start an investigation or question anyone after an allegation or concern regarding abuse has been raised. You should just record the facts and report these to the Designated or Deputy Safeguarding Officer.

- Allow any allegations made to go without being reported and addressed, or either trivialise or exaggerate abuse issues.
- Make promises to keep any disclosure confidential from relevant authorities.
- Show favouritism to any one, or threaten/carry out any form of physical punishment.

NEVER:

- o Initiate or engage in sexually provocative conversations or activity
- o Allow the use of inappropriate language to go unchallenged
- o Do things of a personal and intimate nature that individuals can do for themselves.

Appendix 6

Photography Consent - Covering Letter

Dear Parent or Guardian

Fareham Borough Council takes the issue of child safety very seriously and the Council would never knowingly use an image of your child/children without your prior consent. We are therefore asking you to read through the information below and kindly complete, sign and return the form to us, if you are in agreement to your child's image being reproduced.

The photographs may be used in any of the media produced by **FAREHAM BOROUGH COUNCIL** for promotion and publicity opportunities or may be circulated to the media with press releases. Where possible, we also like to use photographs to assist in promoting Council-related activity; through our publications or via the Council's website www.fareham.gov.uk

Please be reassured that any photographs taken will only be used only in accordance with the promotion our services and not given to a third-party for unregulated use.

As we cannot publish images of children unless the attached form has been signed by a parent or guardian, I would be grateful if you could sign the attached form and return it to the event organiser/Council Officer.

Please be aware that it is Council Policy for images to be retained for a period up to 5 years. If at any time you wish your photo to be deleted from the photo library, please contact the event organisers, who have listed their details below for your ease of contact.

Thank you for your help.

Yours faithfully,

YOUR NAME
JOB TITLE / Event organiser

Tel XXXX XXX XXXX
Email XXXXX@XXXXXX

Appendix 7

Photography Consent Form

(Please complete this form in Block Capitals)

Location of Photograph:

Name of child :

Name of parent or guardian:

e-mail of parent:

Contact number for the parent:

I understand that any photographic or video images taken will only be used for the following purposes:

- **Electronic** including website, electronic media and printed information,
- **Displays and exhibitions** relating to Council activity or the event shown in the picture (*insert name of event here*).
- **Any publicity related to the event** (*insert name of organisation/event here*).

I understand that any photographic or video images may continue to be used until I advise otherwise.

Having read the attached letter and statements above, do you give your consent for images to be taken and for those images to be used for publicity materials?

YES - I can confirm that I give my consent for any photographic and/or video images of my child to be used in publicity.

SIGNATURE OF PARENT:

Please note: Some photographs and images may be retained as part of the Council's historical record. If you wish to have any photograph or image of your child destroyed, you should inform (*insert name of Event organiser*) writing at Fareham Borough Council, (relevant department and floor area)

Official Use Only:

Subject of photograph.....

Photograph Ref Number(s)..... Date taken.....

Appendix 8

Safeguarding clauses to be included in Council Contracts or Service Level Agreements where access to Council-owned property is required

- 1) The Contractor agrees to comply with Fareham Borough Council's Safeguarding Policy (Children & Vulnerable Adults); Procedures and Guidelines and hereby referred to as the Policy. In doing so, the Contractor will ensure that all its employees, servants, sub-contractors and/or agents, whether paid or voluntary, are familiar with the Policy and will operate according to the same and incorporate its requirements into existing work practices. The Contractor acknowledges that the Council may require any of the Contractor's employees, servants, sub-contractors and/or agents providing services to the Council to provide written confirmation (signed declaration) of agreement to the Policy.
- 2) Prior to commencement of the works, the contractor shall provide written evidence of confirmation that it understands the statutory obligations placed upon the contractor and its workforce in relation to the Council's Safeguarding Policy.
- 3) Prior to commencement of the works, the Contractor must supply a complete list of the names of all its employees, subcontractors and/or agents, whether paid or voluntary, who will visit the site for the duration of the contract period. If the contract is on-going, the Contractor will provide the Council with an updated list on a quarterly basis.
- 4) The Contractor will not permit any of its employees, subcontractors and/or agents, whether paid or voluntary, to be dispatched to work inside a council building unless the contractor is satisfied that the person has been appropriately 'vetted' and considered 'appropriate' to work with children or adults who could be considered to be vulnerable.
- 5) The Contractor should ensure 'vetting' includes checks on identity, appropriate references, consideration of employment history and any gaps during interview and that applicants are asked to declare unspent criminal convictions in line with the Rehabilitation of Offenders Act.
- 6) Prior to commencement of the works, the Contractor will ensure that all those of its employees, subcontractors and/or agents, whether paid or voluntary, who may be required to enter a property attend a "Safeguarding Awareness" training session to be provided through the Council.
- 7) The Contractor will ensure that, without exception, no employees, subcontractors and/or agents, whether paid or voluntary, will work within an occupied property where there are children under the age of 18 without an adult who is responsible for those children being present.

8) Further, the Contractor agrees to ensure that in any instance where any suspicions or concerns of abuse, neglect, welfare or child protection matters arise, all its employees, servants sub-contractors and/or agents, whether paid or voluntary will follow the guidance set out in the Policy and will contact the appropriate Council Officers as set out in the policy, as quickly as possible.