

BARRY TOWN COUNCIL

SAFEGUARDING POLICY

AUGUST 2024



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Safeguarding Policy

Introduction

Safeguarding is a responsibility that reaches across all public services in a variety of ways. It applies to every organisation, team and individual (including volunteers, partners, contractors and local councils), that provide services to the public. Therefore, safeguarding is everybody's business and everybody has the right to be safe no matter who they are or what their circumstances. We all have a responsibility to make sure that children, young people and vulnerable adults are protected and cared for properly.

Policy Statement

Barry Town Council is committed to safeguarding children, young people and vulnerable adults and that children, young people and vulnerable adults who use our services are safeguarded from abuse and that our working practices minimise the risk of abuse.

Barry Town Council recognises its safeguarding responsibilities in that:

- Anyone in charge of or working with children, young people or vulnerable adults in any capacity are considered both legally and morally to owe them a duty of care. Adults should always act and be seen to act, in the best interests of the child, young person or vulnerable adult.
- It provides a range of services that might involve children, young people and vulnerable adults. For example carrying out ground's maintenance, maintaining and providing public spaces and hiring out our community hall or meeting space.
- It has a duty to ensure that safe recruitment policies and practices are in place if we have employees, including agency employees, students and volunteers, who might work with children and vulnerable adults as part of their job.
- There is a strong public expectation that the Council makes effective arrangements for safeguarding.
- There are links between Safeguarding and other policies that we already have in place, such as health and safety, equality and diversity and risk management.
- Government guidance makes it clear that it is a shared responsibility and depends upon effective joint working between agencies and professionals that have different roles and expertise.
- All Barry Town Council staff, Councillors and volunteers have a duty to identify abuse and report it. In 2016 a legal obligation to report any child or adult believed to be at risk of abuse or neglect was implemented in Wales as

part of the Social Services and Well-being (Wales) Act 2014.

Designated Person

Barry Town Council's designated lead for Safeguarding is the Town Clerk. The role of the Designated Person is to be the main contact point for the referral of allegations for the Council.

Barry Town Council Commits to:

- clear lines of accountability within the Council for safeguarding and promoting the welfare of children, young people and vulnerable adults;
- clear reporting procedures and giving clear guidance on safeguarding matters;
- where appropriate, designing services that take account of the need to safeguard and promote welfare and are informed by the views of children and vulnerable adults;
- following safe recruitment procedures;
- providing training for all staff and councillors working with, or in contact with, children, families and vulnerable adults on safeguarding;
- the inclusion of a safeguarding arrangement in the terms of room hire;
- a system of record keeping for safeguarding matters for monitoring and audit purposes.

Policy Definitions

Children and Young People Anyone under the age of 18 years.

Vulnerable Adults Anyone over 18 who is:

- Unable to care for themselves
- Unable to protect themselves from significant harm or exploitation
- Or may be in need of community care Services

Employees and Councillors Anyone working for, or on behalf of Barry Town Council whether paid or voluntary.

Promoting a Safe Environment – Premises and Activities

In order to promote a safe environment for children, young people and vulnerable adults, Barry Town Council wishes to promote a safeguarding culture in its premises and activity areas. In order to achieve this Barry Town Council will: -

- Provide safe facilities and undertake regular safety assessments.
- Publish a written Code of Conduct for users of Barry Town Council facilities. Copies of the code will be displayed in Town Council buildings and on the Council's website.
- Publish a Context for Safe Working for those with substantial access to children, young people or vulnerable adults on Council premises.
- Ensure that employees, Councillors and group leaders of activities in Council facilities are aware of the safeguarding culture.
- Require employees and Councillors who come into regular unsupervised contact with children, young people or vulnerable adults during the course of their duties, to undergo appropriate DBS checks. These checks are to be repeated as legislated for under the Safeguarding Vulnerable Groups Act 2006. The Clerk will keep a record of employees and Councillors who have undergone DBS checks. Portability of the DBS checks will be acceptable where there is no other prohibitive evidence.

Hiring of facilities to groups for use with children, young people or vulnerable adults when group leaders have a regular and substantial access and parents/carers are not present.

Substantial Access definition

- Where an individual is regularly caring for, training or supervising a child, young person or vulnerable adult.
- Where an individual has sole charge of children, young people or vulnerable adults.

Barry Town Council will require the hirer to: -

- Have public liability insurance
- Have a substantial safeguarding child, young people and vulnerable adult's policy or agree to work to Barry Town Council's policy and context for safe working.
- Ensure group leaders have a valid DBS check
- Comply with the NGB Coach/Pupil ratios
- Do risk assessments for individual activities
- Ensure group leaders are aware of the whereabouts of the first aid box.
- Ensure that group leaders make their members aware of the Barry Town Council Code of Conduct and ensure that it is followed whilst using Council facilities.

Hiring of facilities for children's parties

Hirers must satisfy the Council that:-

- Adequate adult supervision is to be provided
- They are aware of the Code of Conduct for Council facilities and are prepared to comply with it.

Safer Recruitment

Barry Town Council will make it clear to candidates when advertising a job role if the work involved is regarded as a regulated activity. The organisation will determine this in accordance with the provisions of the *Safeguarding Vulnerable Groups Act 2006 (as amended)*.

Before the organisation can employ a candidate in a regulated activity, the organisation will require the candidate to provide a satisfactory Enhanced Disclosure with a relevant barred list check from the Disclosure and Barring Service. The purpose of this check is to confirm that the candidate is suitable to perform this work and is not barred from doing so.

The organisation will make any offer of employment in a regulated activity conditional upon satisfactory background checks, including satisfactory criminal record and barred list checks. The organisation reserves the right not to employ a candidate where these conditions are not satisfied.

Work that becomes regulated

If work either becomes a regulated activity, or if an employee is asked to perform work that is a regulated activity, the organisation will require the individual to provide a satisfactory Enhanced Disclosure with a relevant barred list check from the Disclosure and Barring Service.

The purpose of this check is to confirm that the individual is suitable to perform this work and is not barred from doing so. If an employee refuses to undertake these checks, or if a disclosure confirms that the individual has a relevant criminal conviction or has been placed on a relevant barred list, the organisation will investigate the circumstances further and will fully consider the effect of this on continued employment.

Where an individual is not legally permitted to perform a regulated activity, or where the organisation otherwise has reason to believe that this will be inappropriate, the organisation may consider if there are any other non-regulated activities in which the individual can be employed.

The organisation reserves the right to dismiss an employee where continued employment cannot be supported.

Where an employee is added to a barred list during employment

If an employee is added to a barred list during employment, the organisation cannot legally allow the employee to continue to engage in a regulated activity.

Where an individual is not permitted to perform a regulated activity, or where, the organisation may investigate if there are any other non-regulated activities in which the individual can be employed.

The organisation reserves the right to dismiss an employee where continued employment cannot be supported.

Reporting allegations of abuse

All members of staff, Councillors and any volunteers engaged on behalf of the organisation, must be vigilant at all times to risks of abuse towards service users. This may include behaviour from relatives, other service users and members of staff. Abuse is a violation of an individual's civil or human rights by another person. This can be a single act or multiple acts and it may occur in a variety of ways. Abuse of an individual may be verbal, physical or psychological. It may occur from a deliberate act or a failure to act.

Abuse may also occur when an individual is persuaded to do something that he or she has not consented to, or is unable to consent to, or where the individual is exploited by another person.

Any person who believes or suspects that a service user has been subjected to abuse must refer the matter to his or her manager (or another manager, if appropriate) immediately. The organisation will consider all allegations of abuse seriously.

When reporting an allegation of abuse, it is important to provide as much detail as possible, including the name of the person who has been subjected to abuse, the nature of the abuse, the dates and times of any specific incidents and details of any evidence or other witnesses that may be available.

Investigation

The organisation will investigate all complaints of alleged or suspected abuse fully, in accordance with the disciplinary procedure.

The organisation may be required to refer information to the Disclosure and Barring Service. The organisation may also consider it necessary to inform the Police of allegations under investigation.

Suspension

The organisation reserves the right to suspend an employee on full pay pending investigation into an allegation of abuse and pending any resulting disciplinary proceedings.

Disciplinary action

Where the organisation has reason to believe that an allegation of abuse has foundation, the organisation will arrange a disciplinary meeting with the individual. This could result in a decision to take disciplinary action against the employee, up to and including dismissal.

Duty to refer information

The organisation is legally required to refer certain information about an individual to the Disclosure and Barring Service.

This duty applies where:

- the individual is dismissed because he or she has harmed, or may harm a child or adult
- the organisation has suspended an individual and has reason to believe that he or she has engaged in relevant conduct, or has harmed or may harm a child or adult, or has received a caution or a conviction for a relevant criminal offence.
- the individual resigns in circumstances where there is a suspicion that he or she harmed, or may harm, a child or vulnerable adult. This may, for example, arise where an employee resigns before disciplinary action is taken by the organisation.

Working together to safeguard vulnerable adults - the policy framework

The Welsh Assembly Guidance, *In Safe Hands 2000*, specifies that:

A vulnerable adult is a person over 18 years of age who is or may be in need of community care services by reason of mental or other disability, age or illness and who is or may be unable to take care of himself or herself, or unable to protect himself or herself against significant harm or serious exploitation.

This definition may include a person who has Physical, Mental or Learning disabilities or lack the capacity to make specific decisions about their own wellbeing and treatment.

Abuse

Abuse is defined as:

- *a violation of an individual's human and civil rights by another person or persons which results in significant harm. (In Safe Hands, National Assembly for Wales July 2000)*

Abuse may be:

- a single or repeated act, or multiple acts;
- a lack of appropriate action;
- perpetrated as a result of deliberate intent, negligence or ignorance; and/or

- an act of omission (failing to act) or neglect.

Abuse may involve the vulnerable adult being persuaded or forced to enter into a financial or sexual arrangement to which they have not, or could not, consent. Abuse can occur in any relationship and fundamentally is an abuse of trust, including failure to meet a duty of care.

Abuse can include:

- physical
- sexual
- psychological
- emotional abuse
- financial
- discriminatory
- neglect
- Institutional

Abuse can take place in any setting, public or private, and can be perpetuated by anyone whether deliberate or as a result of ignorance or lack of understanding.

Barry Town Council recognises their role in:

- Preventing vulnerable adults from being abused and/or neglected
- Providing information and training that assists in the prevention and detection of abuse
- Ensuring that services take account of the safety of vulnerable adults
- Responding sensitively and coherently to reported incidents of self-neglect and abuse
- Coordinating action and services to support vulnerable adults in achieving their best outcomes.

Working together to safeguard children - the legal framework

The Children Act 1989 and 2004, states that it shall be the duty of every Local Authority to:

- Safeguard and promote the welfare of children within their area who are in need.
- A child shall be taken to be in need if:

He/she is unlikely to achieve or maintain, or have the opportunity of achieving or maintaining, a reasonable standard of health or development without the provision to him of services by a local authority; His/her health or development is likely to be significantly impaired, or further impaired without the provision of services; or He/she is disabled. (Section 17, The Children Act 1989, 2004).

The Children Act 1989, 2004, introduced the concept of significant harm as the threshold that justifies compulsory intervention in family life in the best interests of

children. The local authority has a duty to make enquiries, or cause enquiries to be made where it has reasonable cause to suspect that:

- a child is suffering, or;
 - likely to suffer significant harm.
- (Section 47, The Children Act 1989, 2004).

Any officers working with children, young people and families should familiarise themselves with the above legislation. Some of the key documents are:

- The Children Act, 1989/2004
- The Data Protection Act, 1998
- UNCRC, 1989

Barry Town Council recognises that there are legislative requirements and expectations on individual services to safeguard and promote the welfare of children.

Everyone who comes into contact with children and families has a role to play. Ultimately, effective safeguarding of children can only be achieved by putting children at the centre of the system, and by every individual and agency playing their full part, working together to meet the needs of the most vulnerable in society. BTC recognises that where relevant for specific services, they should be based on a clear understanding of the needs and views of children in order for them to be effective.

Safeguarding Procedures

What you should do if you suspect a vulnerable adult is in need, suffering, or likely to suffer, significant harm.

If you are concerned that a vulnerable adult is suffering abuse, ill treatment or neglect you must adhere to the following:

1. Report your concerns to your line manager who will appropriately advise you of what action is to be taken.
2. Record what is said on the appropriate form.
3. If your line manager or the Town Clerk is unavailable, report your concerns directly to your local Adult Services Duty Team

The Contact & Information Centre **01446 731100**

Monday - Thursday 8.30am - 5.00pm, Friday 8.30 am - 4.30pm

You can contact the Emergency Duty Team evenings, weekends and Bank

Holidays **029 20448360**

Adult Protection Co-ordinator **01446 704740**

What you should do if you suspect a child is in need, suffering or likely to suffer significant harm

If you have concerns about a child's health or wellbeing act on them. All reports are taken seriously and acted upon sensitively. Action will be taken to safeguard children in immediate danger.

If you are concerned that a child is suffering abuse, ill treatment or neglect you must adhere to the following:

1. Report your concerns to your line manager who will appropriately advise you of what action is to be taken.
2. Record what is said on the appropriate form.
3. If your line manager or the Town Clerk is unavailable, report your concerns directly to your local Children's Services Duty team

Contact the Intake and Family Support Team on **01446 725 202**

Out of Office Hours: Emergency Duty Team **029 2078 8570**

Date adopted by the Council – 20 February 2017

Date for Review – 20 February 2019

How to respond to a vulnerable adult telling you about abuse

The following are suggestions of how to handle the situation, if a vulnerable adult approaches you and wishes to disclose an incident or incidents of abuse. Staff, Councillors and Volunteers have a duty to respond and report.