

Cherwell District Council

Overview and Scrutiny Committee

13 October 2015

Safeguarding

Report of Director of Community and Environment

This report is public

Purpose of report

To present to the Overview and Scrutiny Committee a contextual document to assist the Committee in how best to consider this wide ranging and important subject.

1.0 Recommendations

The Committee is recommended:

- 1.1 To note the report and the current level of activity; and
- 1.2 To receive a further safeguarding report following the completion of the internal review process.

2.0 Introduction

- 2.1 The national media coverage in the past few years of the regrettable events associated child sexual exploitation (CSE) and extremism have thrown a sharp spotlight on the whole safeguarding agenda. However, safeguarding is much wider than just these two significant issues and includes matters such as protection of vulnerable adults, child neglect, self-harm, female genital mutilation, missing children, domestic abuse, human trafficking, asylum/migrants and modern slavery.
- 2.2 The Council jointly with South Northamptonshire Council has already started taking measures to better address these matters but it is recognised that there is much still to do. This further work is necessary as it should be noted that current intelligence indicates that CSE and other safeguarding activity is evident locally and is not restricted to the relatively recent high profile incidents such as Bullfinch in Oxford and Reportage in Banbury.

3.0 Report Details

Safeguarding Responsibilities of District Councils

- 3.1 A district council has duties and responsibilities for safeguarding children and vulnerable adults under a range of legislation. District councils have a statutory 'duty to cooperate' to safeguard children as prescribed in The Children Act (1989). This includes engagement with the Local Safeguarding Children Board. In addition district councils have a duty 'to make arrangements to ensure that in discharging their functions they have regard to the need to safeguard and promote the welfare of children' under Section 11 of The Children Act 2004. Duties and responsibilities to safeguard vulnerable adults are set out in various pieces of legislation and guidance including 'The Care Standards Act (2000) and The Care Act (2014).
- 3.2 The Safeguarding Vulnerable Groups Act (2006) sets out statutory requirements preventing the employment of 'unsuitable people' to work with children and vulnerable adults. District councils must ensure they practice safe recruitment and selection and have human resources policies and practice that deal effectively with safeguarding concerns.
- 3.3 District councils have very limited direct responsibilities for safeguarding particularly that they do not have responsibility for (and indeed should not) determine whether abuse has taken, or is taking, place; nor do they have responsibility for investigating incidents or allegations as to whether abuse has taken place or making judgments about whether abuse has taken place. However, the responsibilities of district councils are to put in place a safeguarding policy and procedures, ensure that staff, managers and elected members are aware of the policy and procedures, to provide training and development on safeguarding, to know what the signs of abuse are and to know when and how to report concerns. This includes the making of referrals to the statutory agencies including the County Council and the police.
- 3.4 District councils should make a contribution to plans to safeguard and promote the wellbeing of individual children and vulnerable adults, including contributing to multi-agency planning through Child Protection Plans, the Common Assessment Framework and Team Around the Child meetings and assessments and plans made under the Care Act for vulnerable adults and vulnerable young people aged 16+ under transition arrangements. The most obvious of these are those of the local Safeguarding Children Board and the Adult Safeguarding Board.
- 3.5 District councils must also ensure that children and vulnerable adults are safeguarded within those services that they directly provide or those that they commission, through the provision of safe environments and safe working practices. This includes ensuring safeguarding standards are in place where external organisations use district council land or premises, whether or not a charge is made to do so.
- 3.6 One more recent issue was that the publication of Section 26 of the Counter-Terrorism and Security Act 2015 places a duty from 1 July 2015 on specified authorities, which include district councils, in the exercise of their functions, to have "due regard to the need to prevent people from being drawn into terrorism".

3.7 This statutory guidance stipulates that local authorities are vital to 'Prevent' work and that effective councils will be working with their local partners to protect the public, prevent crime and promote strong integrated communities. It goes on to provide that local authorities, including elected members and senior officers, should be carrying out activity in the following areas engaging with the County Council, the police and other agencies as appropriate:-

Partnership - via establishing or making use of an existing local multi-agency group to agree risk and co-ordinate 'Prevent' activity.

Risk Assessment – using existing counter-terrorism local profiles (“CTLPs”) produced by the police on a regional basis to assess the risk of individuals being drawn into terrorism.

Action Plan – to be developed where a risk is identified including prioritising and facilitating the delivery of projects, activities or specific interventions to reduce the risk of people being drawn into terrorism.

Staff Training – local authorities will be expected to ensure appropriate front line staff, including those of its contractors have a good understanding of 'Prevent'.

Use of local authority resources – Councils are expected to ensure that publicly owned venues and resources do not provide a platform for extremists and are not used to disseminate extremist views.

Collaboration - in two tier areas, county and district councils will need to agree proportionate arrangements for sharing the assessment of risk and the development of local action plans as appropriate.

Particularly noteworthy is the statement in the guidance that “*the duty does not confer new functions on any specified authority. The term “due regard” means that the authorities should place an appropriate amount of weight on the need to prevent people being drawn into terrorism when they consider all the other factors relevant to how they carry out their usual functions*”. Accordingly this new statutory duty is not seen as justifying the allocation of additional resources to local authorities from government.

3.8 The Prevent Strategy, published by the Government in 2011, is part of the overall counter-terrorism strategy, CONTEST. The aim of the Prevent Strategy is to reduce the threat to the UK from terrorism by stopping people becoming terrorists or supporting terrorism and has three specific strategic objectives:

- respond to the ideological challenge of terrorism and the threat we face from those who promote it;
- prevent people from being drawn into terrorism and ensure that they are given appropriate advice and support; and
- work with sectors and institutions where there are risks of radicalisation that we need to address.

Section 11 Audit Returns – Safeguarding Children

- 3.9 Each year, each district council is required to undertake a form of self-assessment audit that aims to assess the effectiveness of its arrangements for safeguarding children at a strategic level. Each agency or organisation must ensure that any statements made within the tool are backed by evidence. Wherever possible, evidence of impact on improving outcomes for children should be identified.
- 3.10 The assessment is made against eight standards based on the requirements of Section 11 of the Children's Act 2004. Throughout the self-assessment, consideration must be given to evidencing improved outcomes for children young people and their families as a result of the arrangements.

Internal Review

- 3.11 The events in Oxfordshire over the past two years have prompted some immediate action by the Council some of which has been replicated in South Northamptonshire Council to ensure maximum shared benefit across both councils. This has included;
- raising the profile of CSE and Safeguarding
 - improving training of front line staff with regard to CSE
 - revising guidance for Hackney Carriage and Private Hire vehicles
 - updating policies and procedures to better reflect the multi-agency nature of the structures the Council is working within and verifying that they are being followed
 - establish nominated lead officers to coordinate safeguarding matters. Ian Davies (Director of Community and Environment) is the strategic lead, Nicola Riley (Interim Community, Partnerships and Recreation Manager), supported by Paula Judd (SNC Community Development Manager), are the Council's nominated operational officer leads for CSE and other safeguarding matters
 - providing timely responses to requests for information when partners are dealing with cases or suspected cases of abuse, CSE, street grooming etc
 - being active participants in all relevant meetings associated with the Community Safety Partnership networks and safeguarding organisations.
 - reviewing the Council's internal intelligence to ensure the timely flow of relevant operational information across different services and upwards to senior managers and councillors.
 - Preparing for a central record of safeguarding training and DBS checks to be kept by HR. Currently the Council has a piecemeal system which does not allow it to alert staff to refresh their training and DBS re-checks. This is a particular statutory Section 11 Safeguarding return requirement.
- 3.12 Much of this work has already commenced but there is more still to do. In addition, the Council needs to look at the whole safeguarding agenda and not solely concentrate on the two most obvious of safeguarding issues of CSE and the prevention of terrorism and extremism. Staff with operational responsibility for community safety and safeguarding functions have already started to;
- Look at ensuring the Council has consistent and robust safeguarding escalation protocols in place at both Cherwell District and South Northamptonshire Councils.

- Undertake a review of services in relation to this area of work.
- Consider intelligence gaps and the Council's requirements from partner agencies.
- Consider a strategic approach to capturing data and overlaying that on the existing demographic data for both districts.
- Prepare and implement better internal reporting protocols and mechanisms for front line staff.
- Consider a series of member engagement events
- Consider a strategic approach around public awareness and neighbourhood development activity

3.13 As a consequence of the acknowledged need to improve in many areas, a thorough internal review by an experienced external professional has been commissioned to;

- To review past and current practice in both councils.
- To make recommendations for the future arrangements to manage safeguarding responsibilities in both councils.
- To consider child sexual exploitation (CSE) as a central element to the review.
- To consider wider safeguarding children responsibilities and safeguarding responsibilities in relation to the 'Prevent' agenda, tackling violent extremism, terrorism and safeguarding vulnerable adults.
- To consider the responsibilities within the two tier council structures, including any areas specific to the individual council partnerships.
- To review the Section 11 Self-Assessments and provide an analysis of the robustness of those audits.
- To consider how the Section 11 Audits are informing front line practice and service development.

3.14 The review is still in progress and due for completion in October 2015. Early indications are that there will be many aspects which are positive but likewise many areas of improvement will be identified. One particular improvement aspect will be the wider involvement of Members through the scrutiny function. Further expected outcomes include the need for greater multi-agency engagement particularly with the police and the two Safeguarding Boards, improved internal arrangements for reporting, communication, training and planning and improved information sharing protocols. It is proposed that the report when finalised be presented for consideration to a future Overview and Scrutiny Committee meeting.

Proposals for See it Report It

3.15 It is recognised that the Council has many opportunities through its different services and activities to obtain intelligence and data from residents, neighbourhoods and communities. However, until recently, it did not have an internal process which encourages staff to log what they see or are concerned about and to pull all these contributions together. See It Report It is intended to be an internal communication process for all front line staff, initially at Cherwell District Council before wider role out at South Northamptonshire Council. It is intended to be an easy process to share with others internally, reporting anything of an unusual, concerning or of a suspicious nature. From this, additional information and intelligence from partner agencies such as the police and County Council will be

added and a small group of officers will periodically review the information submitted to draw links, determine conclusions and to take appropriate escalation and other actions if required.

- 3.16 See It Report It will not replace established referral processes and protocols with external lead bodies which will remain in place for immediate escalation or action. It will however, be both a conduit for a more effective gathering of community intelligence and the interpretation and interrogation of what that means.
- 3.17 It will undergo a review later this year following a reasonable period to enable fine tuning with staff feedback and agreement to share the information with other partners. Following this, it is intended to implement in South Northamptonshire Council in early in 2016.

4.0 Conclusion and Reasons for Recommendations

- 4.1 The issue of safeguarding across Council services is an important matter which all councils should be considering. It is a subject which is of recent increased statutory significance and has many facets. Therefore it needs a structured approach to be effectively managed.
- 4.2 Some good progress has been made over the past year or so but it is recognised that there is more to do, hence the joint internal review with South Northamptonshire Council which is nearing finalisation to strengthen the Councils' position and to ensure good practice is applied.
- 4.3 There will be a role for elected Members in this subject which should involve the scrutiny process. This report is provided to Committee to provide some context to safeguarding from which the Committee can consider if it wishes, some or all of the aspects of safeguarding. One of the more obvious roles for the Overview and Scrutiny Committee is to consider annually a draft Section 11 self-assessment audit return before it is issued. This will be a very useful process should the Committee wish to scrutinise safeguarding activities of the Council as a whole. There may also be other more detailed aspects such as taxi licensing or internal reporting mechanisms which the Committee may wish to consider.
- 4.4 Given that there are so many aspects which could be considered by the Overview and Scrutiny Committee, it is recommended at this stage that the independent internal review report be considered at a future meeting as this will provide a more detailed and informed basis of key safeguarding issues for the Council. From this, the Committee can then decide where its efforts are best directed.

5.0 Consultation

None

6.0 Alternative Options and Reasons for Rejection

- 6.1 The following alternative option has been identified and rejected for the reasons as set out below.

Option 1: To consider specific aspects of safeguarding now for further scrutiny rather than wait for the independent internal review report findings.

7.0 Implications

Financial and Resource Implications

- 7.1 There are no direct financial implications arising from the content and recommendations in this report

Comments checked by:

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Legal Implications

- 7.2 The legal basis of Council safeguarding responsibilities have been outlined in section 3 of the report

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8.0 Decision Information

Wards Affected

All wards

Links to Corporate Plan and Policy Framework

Cherwell: Safe Clean and Green - Work with partners to help ensure the District remains a low crime area, reducing fear of crime, tackling Anti-Social Behaviour and focussing on safeguarding our residents and businesses.

Lead Councillor

Councillor Tony Ilott
Lead Member for Public Protection

Document Information

Appendix No	Title
None	
Background Papers	
None	
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