

Children, Young People and Vulnerable Adults Safeguarding Policy

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Foreword

At a time when the safeguarding of children, young people and vulnerable adults has never been of greater concern, the Council is required to review its Safeguarding Policy to ensure its arrangements adequately reflect the additional responsibilities currently being placed on it, and that these additional requirements are being fully considered in the approach being taken to protect people from abuse.

We are therefore pleased to introduce this revised Safeguarding Policy which aims to outline the responsibilities of the Council, and how they dovetail with other agencies, to safeguard vulnerable children and adults with care and support needs from harm and abuse. The policy also reflects new responsibilities for District Councils since the last review.

We believe that everyone has the right to be safe from harm, deserves the opportunity to fulfil their full potential and to have their rights and choices protected, and as such this Safeguarding Policy is the Council's commitment to this and to meet our statutory obligations on Safeguarding.

Susan Priest
Chief Executive

Cllr David Monk
Leader of the Council

1. Executive Summary

- 1.1** In recent years, safeguarding duties placed on the Council have been extended beyond safeguarding children and vulnerable adults to encompass domestic abuse and violence, Child Sexual Exploitation (CSE), so-called honour based abuse and forced marriage, Modern Day Slavery (MDS), Female Genital Mutilation (FGM) also known as Female Genital Cutting and Prevent (the Government's Counter- Terrorism Strategy) and other issues e.g. cuckooing see s4.0.
- 1.2** More recently, responsibilities have been further extended to ensure the Council has procedures and practices in place to champion e-safety, ACE (Adverse Childhood Experiences) awareness and other practical approaches to dealing with safeguarding eg contextual safeguarding (see section 4.4 and that processes are in place for disseminating learning from Domestic Homicide Reviews, Serious Case Reviews and other reviews of this nature.
- 1.3** The requirements for safeguarding have increased over the years and in particular adult safeguarding issues have come further to the fore. There is a need to ensure that staff are adequately trained to address issues such as care leaver requirements, requirements of the Mental Capacity Act etc. In addition the auditing regime for the District Council has increased. Very detailed Section 11 self-assessments for child safeguarding led by the KSCMP (Kent Safeguarding Children's Multi Agency Partnership) are required to be completed on a regular basis. Self-Assessments for Adult Safeguarding led by the KMSAB (Kent & Medway Adult Safeguarding Board) are now a new requirement to demonstrate the Council is meeting its obligations under the Care Act 2014. In addition the KMSAB Yearly Agency Template requires the Council to show how it is meeting the priorities of the KMSAB, and in particular requires evidence of strong partnership working across all safeguarding matters.
- 1.4** This overarching Safeguarding Policy aims to ensure that a consistent approach to safeguarding exists across all Council functions. It outlines key roles and responsibilities of individual officers and elected members to embed safeguarding policies, practices and procedures to ensure the Council meets the requirements of these additional responsibilities.
- 1.5** In carrying out these duties the Council works in partnership with other agencies that have a role to play in relation to the welfare of its residents, aiming to ensure they are protected against abuse, neglect and exploitation.

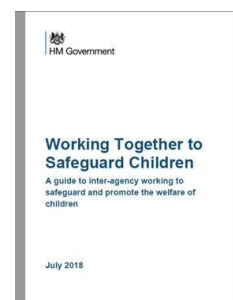
2. Policy Statement

- 2.1** Folkestone & Hythe District Council (The Council) is committed to working in partnership with others to safeguard its residents from all forms of abuse and neglect. The Council will raise awareness of safeguarding issues to ensure that the needs and interests of children, young people and vulnerable adults are incumbent in decision making processes and through service provision.

- 2.2** This Policy aims to ensure that an overarching approach to safeguarding is embedded within all Council services and that staff, elected members, volunteers and those delivering contracts on behalf of the Council understand their role and responsibilities in supporting all residents to live a life free from abuse, neglect, exploitation and intimidation.
- 2.3** The Council will create an environment where staff, volunteers and elected members are adequately trained and encouraged to think of safeguarding as being their responsibility, understanding the need for them to play a full and active part in the delivery of the Council's response. External training providers will be used to deliver training where necessary.
- 2.4** The Council will ensure that its Policy complies with all relevant legislation, a summary of which is listed in Appendix 5.
- 2.5** Section 11 of the Children Act 2004 places a statutory duty on key organisations to ensure that, in discharging their functions, they have regard to the need to safeguard and promote the welfare of children. Similar obligations apply to young people, up to the age of 21, and vulnerable adults.
- 2.6** This policy also takes into account processes at County level and the requirements of the Kent and Medway Safeguarding Adult Board (KMSAB) including the arrangements that replaced Local Safeguarding Boards for children (see details below).
- 2.7** The Kent Safeguarding Children's Board (KSCB) was replaced with the Kent Safeguarding Children Multi – Agency Partnership (KSCMP) Arrangements following the Wood Review in December 2015. This significant change is now embedded within key partner organisations additional details are below and information is available at www.kscmp.org.uk.



- 2.8** In the last review of the Safeguarding Policy details of the Wood Review (looking into the effectiveness of Local Safeguarding Children's Boards (LSCBs)) was described. His review (published in May 2016) concluded that LSCBs did not work effectively and should be abolished. The Wood review proposed a new model of collective working that would ensure better multi-agency collaboration, placing responsibilities on three key agencies (police, health and the county council in tier 2 areas) to take a strategic lead on safeguarding and the promotion of child welfare in each local authority area. The roles of other agencies, such as the Council, are also set out in relevant legislation. The Wood Review recommendations formed a core part of the Children and Social Work Act 2017. The KCSMP as a result is now well established working to these new guidelines.



- 2.9** 'Working Together to Safeguard Children 2018' was updated in December 2020 and set out structural requirements for the new multi-agency local safeguarding partnership arrangements. The legislation and Working

Together require the three Safeguarding Partners to discharge a 'shared and equal duty' to safeguard and promote the welfare of children.

- 2.10** The December 2020 update included a revision to contextual safeguarding definition (assessment of risk outside the home), emphasis on mental health concerns for children, domestic abuse – controlling and coercive control, criminal exploitation added to areas of risk, updated information sharing advice and added homelessness duties (LA duty to intervene at an earlier stage in homelessness). More details can be found in Section 4.
- 2.11** On 29th April 2021 the Domestic Abuse Act 2021 came into force. This Act provides further protection for people who experience domestic abuse (DA), as well as strengthening measures to tackle perpetrators of DA. It created a statutory definition of DA, established in law the Office of the Domestic Abuse Commissioner, and placed a duty on Local Authorities in England to provide accommodation based support to victims of DA and their children in refuges and other safe accommodation. Further useful information relating to the Act can be found at:
<https://www.gov.uk/government/publications/domestic-abuse-bill-2020-factsheets/domestic-abuse-bill-2020-overarching-factsheet>

3. Effective Information Sharing

- 3.1** Better defined statutory provisions for information exchange are set out in "Working Together to Safeguard Children: The guide to inter-agency working to safeguard and promote the welfare of children, July 2018". This guidance provides information sharing advice for practitioners providing safeguarding services to children, young people, parents and carers. It is also specifically for all frontline practitioners and senior managers working in child and/or family services who have to make decisions about sharing personal information on a case by case basis. This simplifies current legislation and guidance and dispels common information sharing myths. Appendix 3 sets out the 'Myth-Busting Guide to information sharing. The full document is available at:
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/942454/Working_together_to_safeguard_children_inter_agency_guidance.pdf
- 3.2** When there is a reasonable cause to believe that a person or persons may be suffering or may be at risk of suffering significant harm, consideration will always be given to referring these concerns to Kent County Council Children's or Adult Social Care departments (as appropriate) and/or the relevant emergency service.
- 3.3** Information about children, young people, families and vulnerable adults will be shared appropriately, and always in accordance with the Kent and Medway Information Sharing Protocols, which can be found at:
<https://www.kelsi.org.uk/school-management/data-and-reporting/access-to-information/information-sharing>

4. Scope of Policy

It is the responsibility of the Council to observe the requirements of this Safeguarding Policy. The policy provides the Council and its staff, members and volunteers with information and guidance on how to meet our statutory obligations with regards to safeguarding. There have been changes in the way concerns are reported and these are reflected at 6.10.

4.1 Safeguarding and Promoting the Welfare of Children and Young People

This encompasses the protection and welfare of children under the age of 18 (including unborn babies) and statemented ('vulnerable') young people under the age of 25, and those particularly vulnerable due to disabilities. It also incorporates the additional aims of preventing the impairment of children's health and development; ensuring they grow up in circumstances consistent with the provision of safe and effective care. There are many forms of abuse and exploitation and some of these are highlighted below.

4.2 Child Sexual Exploitation

Child Sexual Exploitation (CSE) is illegal activity by people who have some form of power and control over children and use it to sexually abuse them. It involves forcing or enticing a child (under the age of 18) to take part in sexual activities whether or not the child is aware of what is happening, including exploitative situations, contexts and relationships where children (or a third person or persons) receive 'something' (e.g. food, accommodation, drugs, alcohol, cigarettes, affection, gifts, money) as a result of performing, and/or others performing on them, sexual activities. CSE can be a form of organised or complex abuse, involving a number of abusers and/or a number of children.

CSE can occur through use of technology without the child's immediate recognition, for example the persuasion to post sexual images on the internet/mobile phones with no immediate payment or gain. In all cases those exploiting the child/young person have power over them by virtue of their age, gender, intellect, physical strength and/or economic or other resources.

4.3 On-line Safety

Kent has adopted the definition of Online Safety (or e-Safety) as the safeguarding of children and young people in the digital and online world. Therefore this encompasses not only internet technologies but also mobile phones, gaming consoles plus other devices and technologies. Online safety must be considered as part of all professionals' wider safeguarding responsibilities. There is ongoing partnership activity to, for example, work directly with schools on addressing e-Safety and the Community Safety Partnership has a key role in delivering this work. Details of the KSCMP online safety strategy can be found at:
https://www.proceduresonline.com/kentandmedway/pdfs/kent_safety_online.pdf

4.4 Contextual Safeguarding

As well as threats to the welfare of children from within their families, children may be vulnerable to abuse or exploitation from outside their families. These extra-familial threats might arise at school and other educational establishments, from within peer groups, or more widely from within the wider community and/or online.

The Council participates in the District Contextual Safeguarding Meeting (DCSM), which picks up antisocial behaviour (ASB) cases and addresses the settings i.e. external environment in which the ASB is taking place. More often than not there are vulnerabilities associated with the ASB and therefore safeguarding issues are required to be addressed. This work cross links with the Community Safety function of both the Council and the statutory Community Safety Partnership (CSP) with delivery through the Community Safety Unit (CSU). The DCSM will look at what external environmental factors need to change to address the ASB.

4.5 District Vulnerability Panel (DVP)

The District Vulnerability Panel (DVP) provides a multi-agency response to vulnerable adults in the district, focussing on identifying and supporting vulnerable adults within the community and providing early intervention support to reduce their risk of harm from crime, self-neglect, mental health concerns, and/or non-engagement with support services.

The DVP additionally aims to raise awareness of the types of vulnerabilities, both to partner agencies and to communities, and to increase understanding of the services available from both statutory and voluntary organisations to provide support for vulnerable adults.

4.6 Adverse Childhood Experiences

Adverse Childhood Experiences (ACE) and Trauma Informed Practices i.e. ensuring trauma experienced in early life is acknowledged in practice are now taken into account by practitioners when addressing safeguarding and other behavioural problems faced by individuals. The important point is that even if adversity is suffered, longer term negative outcomes are preventable if the trauma experienced is properly supported and the voice of the child and the adult is heard.

So What?

ACEs impact a child's development, their relationship with others and increase the risk of engaging in health-harming behaviours and experiencing poorer mental and physical health outcomes in adulthood. Compared with people with no ACEs, those with 4+ ACEs are:



So although it's important to recognise the adversity people have suffered in childhood, the critical issue is that trauma informed practice/care can be provided to support them and enable the necessary resilience for them to overcome this. Typically 9% of the population experience four or more ACEs, and about 47% experience one.

The term ACE is currently being re-evaluated in favour of TARA (Trauma, Adversity, Resilience and Attachment).

4.7 Mental Health

A key consideration when addressing safeguarding is the mental and emotional wellbeing of vulnerable people. Mental and physical wellbeing is championed at various partnership boards and meetings for both children and adults. Safeguarding concerns often require input or referrals to mental health teams. The Council works across many partnerships, such as the Local Children's Partnership Group (LCPG), Integrated Care Partnership (ICP) for integrated health care services, the Community Safety Partnership (CSP) and Community Safety Unit (CSU). See also section 6 for further details of these partners. The LCPG for example has a key priority around emotional wellbeing in children.

The council is required to be aware of the Mental Capacity Act (2005) and DoLS (Deprivation of Liberty Safeguards) (due to be changed in 2022 to Liberty Protection Safeguards (LPS) around decision making for those who are incapacitated in some way. Further information can be found at: <https://www.legislation.gov.uk/ukpga/2005/9/contents> (and at <https://www.gov.uk/government/publications/liberty-protection-safeguards-factsheets/liberty-protection-safeguards-what-they-are> for LPS).

There has been increasing awareness around mental health and a rise in threats of suicide and suicide rates in the County. Some Council staff have been trained on how to deal with threats of suicide and where a threat to life is immediately apparent the emergency services are required to be called. However in many cases a calm approach and signposting to help and services can often diffuse a situation. Mental Health services and other support services are now outlined in a guide to staff available on the intranet (Appendix 2 lists a number of these support services). New campaigns are coming forward regularly and appropriate communication channels will be used to promote these.

Kent and Medway Better Mental Health Pledge

As part of transforming health and social care in Kent and Medway the Kent and Medway Better Mental Health Pledge has been rolled across the county. This project enables Kent and Medway to become a signatory of the National Prevention Concordat for Better Mental Health. Folkestone and Hythe District Council has offered bespoke pledges to support this work. These include, for example, promotion of "Release the Pressure" and articles in Your District Today about support available.

4.8 Safeguarding people with disabilities and special needs

Children and vulnerable young people with disabilities are particularly at risk of abuse, and therefore it is crucial that professionals ensure that this group is protected through good safeguarding processes. It is recognised that the Council will do all that is necessary to ensure that this group is supported should safeguarding concerns arise by liaising with appropriate partners (e.g. Kent Children's Social Care and Adult Services).

Because people with disabilities and special needs are particularly vulnerable every effort will be made to safeguard these groups, working with relevant agencies as appropriate when any safeguarding concerns present

themselves. This policy is subject to an Equality Impact Assessment which covers these groups.

4.9 Care leaver requirements

The requirement to promote and safeguard the welfare of care leavers is set in the Children and Social Work Act (2017) and set out in a Kent wide strategy, available at:

https://www.kent.gov.uk/_data/assets/pdf_file/0020/88310/Children-in-care-and-care-leavers-strategy.pdf.

Currently there are 1941 care leavers in Kent and some of these are individuals that would have been unaccompanied asylum seeking minors and some are UK citizens. The majority are males and many are not in any formal education or employment. They have traumatic backgrounds and need support upon leaving care. Work is ongoing to look at a menu of what districts could do to support care leavers with a package that could include access to leisure, employment offers e.g. guaranteed interviews, etc.

The Council works across Kent, using a newly developed district wide protocol for young homeless people including care leavers (developed by the Kent Housing Group). The Council currently supports care leavers with priority banding for social housing and council tax exemption.

4.10 Safeguarding Adults

This encompasses the protection from harm or neglect of a person aged 18 and over who may need community care services due to a disability, age or illness, who cannot take care of, or protect themselves from significant harm or exploitation. Adults with care and support needs should be supported in maintaining control over their lives and to make informed choices without coercion. Details of responsibilities for Councils are set out in the Care Act 2014 (published March 2015), details of which can be found here:

<https://www.legislation.gov.uk/ukpga/2014/23/contents/enacted>.

4.11 Hoarding and Neglect Policy

In May 2019 the Kent and Medway Adult Safeguarding Board (KMSAB) approved the "Kent and Medway Multi-Agency Policy and Procedures to Support People that Self-Neglect or Demonstrate Hoarding Behaviour." This outlines to all partner agencies the procedure for identifying and working with individuals who self-neglect or demonstrate hoarding behaviour which puts the individuals or others at risk of harm. The board has published other additional guidance documents that support practitioners working in the adult safeguarding field. The Council played a crucial role in writing the original policy which was adopted by the KMSAB. Since this time the Council has commissioned hoarding co-ordinators who deal with incidents of hoarding. For example, during 2019-20 98 hoarding referrals were dealt with.

4.12 Domestic Abuse and Violence

Domestic abuse is defined as any incident or pattern of incidents of controlling, coercive or threatening behaviour, violence or abuse between those aged 16 or over who are or have been intimate partners or family members regardless of gender or sexuality. Types of domestic abuse include intimate partner violence, teenage relationship abuse and

adolescent to parent violence. Domestic abuse has a significant impact on children and young people. Children may experience domestic abuse directly, as victims, or indirectly due to the impact of abuse on others, such as the non-abusive parent.

Further details on the legislation around this can be found at Section 2.11 of this policy.

4.13 Honour-based Abuse, including Female Genital Mutilation and Forced Marriage

Honour based abuse is violence and abuse in the name of honour, covering a variety of behaviours (including crimes), mainly but not exclusively against females, where the person is being punished by their family and/or community for a perceived transgression against the 'honour' of the family or community, or is required to undergo certain activities or procedures in 'honour' of the family.

Female Genital Mutilation (FGM) is a form of child abuse and violence against girls and women which comprises all procedures involving partial or total removal of the external female genitalia for non-medical reasons. The procedure is typically performed on girls of any age, including new-borns and young women before marriage/pregnancy. A number of girls die as a direct result of the procedure, from blood loss or infection. FGM may be practised illegally by doctors or traditional health workers in the UK, or girls may be taken abroad for the operation. Despite some claims that FGM is a cultural matter and/or a procedure stipulated by religion, this is not the case. Under the FGM Act 2003, it is illegal in England and Wales and considered a serious crime in the UK.

A Forced Marriage is one where one or both people do not (or in cases of people with learning disabilities or reduced capacity, cannot) consent to the marriage as they are pressurised, or abuse is used to force them to do so. It is recognised in the UK as a form of domestic or child abuse and a serious abuse of human rights. The pressure put on people to marry against their will may be physical (including threats, physical violence or sexual violence), emotional and psychological – for example, making someone feel like they are bringing 'shame' on their family.

<https://www.gov.uk/guidance/forced-marriage#understand-the-legislation-on-forced-marriage>

4.14 Prevent

Prevent is a Government strategy led by the Home Office and focuses on working with individuals and communities who may be vulnerable to the threat of violent extremism and terrorism. Supporting vulnerable individuals and reducing the threat from violent extremism in local communities is priority for statutory partners and their partners. Schedule 6 of the Counter Terrorism and Security Act 2015 lists District councils as one of the "specified authorities" in England that are to have a duty to address Prevent and to have "due regard to the need to prevent people from being drawn into terrorism", in the exercise of their functions.

Prevent is a key priority for the Folkestone and Hythe CSP who will be updating the Prevent action plan for the district (see Section 6 for further details).

4.15 Modern Day Slavery (MDS)

Modern slavery encompasses slavery, human trafficking, forced labour, and domestic servitude. It is an international crime involving a number of source and transit countries. Modern slavery involves the recruitment, transportation, transfer, harbouring or receipt of people who, with the threat or use of force, coercion, abduction, abuse of power or deception are exploited for the purposes of prostitution, forced labour, slavery or other similar practices. Victims are trafficked all over the world, including in and around the UK.

Under the Modern Slavery Act 2015 Duty to notify and National Referral Mechanism (NRM) was introduced. Under this Act, local authorities have a duty to notify the Home Office of any individual encountered in England and Wales who they believe is a suspected victim of slavery or human trafficking.

As a first responder the Council will respond to any concerns that are raised where MDS is suspected. Staff are required to undergo relevant training. The Council are considering the development of a Modern Day Slavery statement. MDS is a key priority for the CSP.

4.16 Cuckooing

Cuckooing is the term used to define situations when drug dealers take over the homes of vulnerable people to use as a base for dealing. Older people, those suffering from mental or physical health problems, female sex workers, single mums, people living in poverty, and people suffering from different forms of addiction including alcoholism are amongst groups who become victims of cuckooing. Cuckooing gangs often subject their victims to domestic abuse, sexual exploitation and violence to get their victims – children as well as adults – to become drug runners. Some vulnerable adults may be forced to leave their homes, making themselves homeless and leaving the gangs free to sell drugs in their absence.

4.17 County Lines

County Lines is where illegal drugs are transported from one area to another, often across police and local authority boundaries (although not exclusively), usually by children or vulnerable people who are coerced into it by gangs. The 'County Line' is the mobile phone line used to take the orders of drugs. Importing areas (areas where the drugs are taken to) are reporting increased levels of violence and weapons-related crimes as a result of this trend. The CSP are actively tackling County Lines and this work is a key priority for the Partnership.

4.18 Local Authority Designated Officer Role

The LADO function for children is set out at <https://www.kscmp.org.uk/procedures/local-authority-designated-officer-lado>. Where there is a suspicion of a member of staff having acted inappropriately with children or young people the requirement to investigate could result in a referral to the KCC LADO service for children. This ensures

that children are protected and that the individual is dealt with appropriately, including informing the DBS if required.

KCC used to run a similar service where a member of staff may have acted inappropriately with a vulnerable adult. However KCC ended the LADO function for adults in July 2020. Instead, all KMSAB partner agencies must have their own policy and procedures in place for responding to concerns against any person who works with adults in positions of trust (in either paid or unpaid capacity) in line with the Care Act 2014.

This also applies to all organisations commissioned to provide services by them, so they respond appropriately to allegations made. The Council will use its existing disciplinary processes to address such allegations. Further details on the requirement for people in positions of trust (PiPoT) can be found at:

https://www.kmsab.org.uk/assets/1/final_july_2020_kmsab_pipot_policy_-_accessibility_checked_09.11.2020.pdf.

Furthermore, the council has a whistleblowing policy which is widely available to staff should a requirement to report present itself.

4.19 Serious Case Reviews

From time to time the Council is required to participate in serious case reviews. This is very rare and generally has only applied to any information the council may hold in relation to a Safeguarding Adult Review (SAR). However, the council could be required to participate in Domestic Homicide Reviews, Child Death Overview Panels, and deep dive audits on these matters.

The KMSAB have asked the Council to put in place a process for managing SARs. This process is shown at appendix 6 with accompanying flowchart.

5. Folkestone & Hythe District Council's approach to implementing the Policy

- 5.1** Whilst other partnerships and organisations, as referred to in section 6 of this Policy, have roles in co-ordinating and ensuring the effectiveness of the Council's work to safeguard and promote the welfare of children and adults with care and support needs, they are not accountable for the Council's operational work. The Council retains its own lines of accountability for safeguarding and promoting the welfare of children and adults with care and support needs through its own service delivery and provision. The Council does work in close partnership through for example the Community Safety Partnership (CSP) to meet requirements as a multi-agency approach is often required to deal with issues.
- 5.2** All staff, volunteers and elected members are to ensure they familiarise themselves with the Council's Safeguarding Policy.
- 5.3** Guidance for staff on how to report a safeguarding concern is set out on the staff intranet at: <http://sdc-intranet/safeguarding/how-to-report-a-safeguarding-concern-if-you-are-not-a-do/>, and if a member of staff is unsure about the process they should contact a Designated Officer (details

in 5.7) who will be able to advise further. A flow chart is shown in Appendix 7.

- 5.4** All staff, volunteers and elected members must participate in relevant training to recognise the varying forms of abuse and report any concerns, incidents or allegations as appropriate.
- 5.5** It is the responsibility of staff and elected members to consider safeguarding implications in their decision-making processes, including the procurement of services.
- 5.6** All external organisations and contractors providing services to the Council are required to comply with the Council’s Safeguarding Policy as a minimum standard. Where relevant, they should have their own safeguarding policy and procedures in place.
- 5.7** Whilst safeguarding is the responsibility of all Council staff, volunteers, elected members and contractors, there are a number of safeguarding roles within the Council with specific responsibilities briefly set out below:

Role	Key Responsibilities
Executive Lead Susan Priest	<ul style="list-style-type: none"> • Raise the profile of safeguarding, support the Policy and promote the development of initiatives to ensure the protection of residents within the district. • Allocate resources to enable the Council to meet its responsibilities. • Scrutinise and authorise relevant reports and plans.
Designated Safeguarding Lead Jyotsna Leney	<ul style="list-style-type: none"> • Development of Policy, issuing operational guidance, promoting good practice and making policy recommendations to Council. • Submit progress reports to Corporate Management Team and relevant Committees to ensure that the Council’s Safeguarding Policy is being met. • Make a referral to KCC’s Local Authority Designated Officer (LADO) for child safeguarding as appropriate and work with HR services as appropriate. • Ensure that action taken is coordinated and monitored. • Provision of audit returns as appropriate, e.g. KMSAB annual agency template, participation in County wide groups and coordination of any serious case review work.
Designated Safeguarding Officers (DOs) – See Appendix 1	<ul style="list-style-type: none"> • Support the implementation of key safeguarding activities. • Support the work on audits for submission to the Kent Safeguarding Children Multi-Agency

	<p>Partnership (KSCMP) and KMSAB audits.</p> <ul style="list-style-type: none"> • Support and advise the Council's contractors, leaseholders and grant recipients on the development of safeguarding policies, where necessary. • Handle safeguarding concerns reported to them by colleagues as having arisen in their respective lines of duty, including making referrals to the KSCMP or the KMSAB, as appropriate.
<p>Elected Members Deputy Leader and Cabinet Member for Communities – Councillor Jennifer Hollingsbee</p>	<ul style="list-style-type: none"> • Leader of the Council to nominate Cabinet Member lead for safeguarding. • Scrutinise the Council's Safeguarding Policy and endorse safeguarding reports to relevant Committees. • Portfolio Holder with responsibility for safeguarding will act as the Council's safeguarding champion. • Training to be undertaken as necessary.
<p>Directors /Managers</p> <p>See intranet http://sdc-intranet/staffing-information/staffing-structures/</p>	<ul style="list-style-type: none"> • Make staff aware of their duty to report any allegations or suspicions of abuse to a DO and the procedure for doing so. • Operate safe recruitment practices and routinely take up and check references. • Adhere to and operate within the Council's Whistleblowing Policy (part of anti-fraud and corruption framework) and support staff who raise concerns. • Ensure all staff receive training in safeguarding consistent with their job roles and responsibilities. • Monitor compliance with Council's Safeguarding Policy with contractors, leaseholders and grant recipients as appropriate.

6. Working Together: Key Partnerships and Organisations

6.1 The Council will work with other agencies to prevent the abuse of its residents in all its forms.

6.2 **Kent Safeguarding Children Multi-Agency Partnership (KSCMP)**
KSCMP has a wide range of responsibilities, including the development and review of procedures to protect children; the provision of training for staff and volunteers who work with children; reviewing the death of all children to find out what lessons can be learnt to safeguard other children and raising public awareness of safeguarding.

The Partnership, which replaced the Kent Safeguarding Children Board with effect from 29th September 2019, was established in response to the Wood review recommendation (published in May 2016) that Local Safeguarding Children Boards (LSCBs), found to be ineffective, should be abolished and

replaced with a model of collective working that would ensure better multi-agency collaboration. The Wood Review recommendations formed a core part of the Children and Social Work Act 2017, which places local authorities under a duty to make arrangements to work together and with local partners to safeguard and promote the welfare of children in the local area as described earlier in section 2.5 - 2.9.

https://www.kscb.org.uk/_data/assets/pdf_file/0007/96721/FINAL-Kent-Safeguarding-Children-Multi-agency-Partnership-Arrangement-Doc_-25-June-2019.pdf

6.3 Kent and Medway Safeguarding Adults Board

The Kent and Medway Safeguarding Adults Board (KMSAB) is a statutory service which exists to make sure that all member agencies are working together to help keep Kent and Medway's adults safe from harm and protect their rights.

The KMSAB is the main forum for making sure that we keep safe those adults with care and support needs who are at risk of abuse and neglect and unable to protect themselves. The Care Act 2014 places a duty on the Council to cooperate with the KMSAB.

Further information on the roles and responsibilities of the Kent and Medway Safeguarding Adults Board can be found at:

<https://www.kmsab.org.uk/p/about-kmsab-1/kent-and-medway-safeguarding-adults-board>

6.4 Escalation policy

If a partner(s) is deemed not to be supporting / carrying safeguarding functions appropriately these can be flagged through the KMSAB escalation policy for adult safeguarding

(https://www.kent.gov.uk/_data/assets/pdf_file/0019/56107/Kent-and-Medway-Multi-Agency-escalation-policy-for-adult-safeguarding-resolving-practitioner-differences.pdf) or the KSCMP escalation policy for child

safeguarding

(https://www.proceduresonline.com/kentandmedway/pdfs/res_prof_disagree.pdf).

Where DOs are unsure of decisions taken by key partners these can be flagged through this escalation route.

6.5 Folkestone and Hythe Community Safety Partnership

The Crime and Disorder Act 1998 (as amended) placed a duty on local authorities and the Police to form a local partnership and cooperate in the development and implementation of a strategy for tackling crime and disorder in the area. This local partnership is known as the Folkestone and Hythe Community Safety Partnership (CSP), of which the Council is a lead member.

The Partnership is a multi-agency forum which brings together responsible authorities as set out in the Crime and Disorder Act 1998 and other relevant legislation to work to reduce crime and improve community safety. The CSP

also acts as the formal body to meet the requirements of the Act and it is also a statutory requirement for the Partnership to work with Kent County Council to undertake a multi-agency Domestic Homicide Review (DHR) following a domestic homicide to identify what needs to change to reduce the risk of further incidents, as well as other requirements. DHRs now include cases of suicide.

6.6 Kent County Council

Kent County Council is one of the three local strategic partners and has responsibilities as the Children's Social Care Services Lead and the Adult Social Care Services Lead for Kent.

All safeguarding concerns, incidents and allegations regarding the welfare of a child or adult with care and support needs will be reported using the relevant referral mechanisms. Relevant officers at Kent County Council are responsible for coordinating any investigation. Allegations against staff are dealt with by the Local Authority Designated Officers (LADO) at KCC (see Appendix 2) The District Council will always liaise with the LADO on any such concerns as necessary, including disclosures to the DBS where applicable while following all relevant reporting lines.

6.7 Kent Police

Kent Police (also a local strategic partner) has an essential role in protecting children, young people and adults with care and support needs from abuse and are under a legal duty to carry out their functions 'having regard to' (taking account of) the need to protect and promote the welfare of these groups.

Section 11 of the Children Act 2004 states that Police and Crime Commissioners (formally police authorities) and the Chief Officer of each Police force in England must make sure that they protect and promote the welfare of children. This means that, while officers that lead on child abuse investigations have a critical role to play in child safeguarding, it is not just down to them - it is a basic part of the duties of all Police Officers.

As well as their duty to investigate criminal offences, Kent Police have emergency powers to enter premises and make sure they can provide immediate protection for children and adults with care and support needs believed to be suffering, or likely to suffer, significant harm.

6.8 Health Services

As a Strategic Partner Health have a critical role to play, and local links with health partnerships, mental health services etc. as well as links with partnerships such as LCPG, CSP and CSU enables cross flow of information. More details are set out in section 4.7.

In recent years the health service have improved their practices, and for example where children have not been taken to GP appointments these are recorded differently (i.e. instead of missed appointments it is recorded that the child/ young person was not brought to the appointment by their parent/ carer).

6.9 The contact details for these agencies and organisations can be found in Appendix 2: Lead Agencies - Essential Contacts.

6.10 Making Referrals

Kent County Council now operates an Integrated Front Door Service through which support for children, young people and families requiring intensive or specialist support can be accessed. To access this support on behalf of residents, appropriate staff at Folkestone and Hythe District Council, including Designated Officers (DOs), submit referrals to the relevant KCC teams. Details of the process are available at: <https://www.kelsi.org.uk/special-education-needs/integrated-childrens-services/front-door>. Where adults are concerned, the Kent Adult Safeguarding Alert Form is used. Staff can also seek advice direct from KCC through a District Conversation process. This information is made available to staff through training and is also available on the Intranet.

6.11 Voice of the Child and Voice of the Adult

Where the District Council has been audited for both its child safeguarding and adult safeguarding work there has been a requirement to show in much more detail how the Voice of the Child and Voice of the Adult is listened to.

The Council actively supports projects and initiatives where both the Voice of the Child and the Voice of the Adult are heard. Projects to address the needs of vulnerable people e.g. through the pandemic where our three local community hubs, set up to support people, assisted with calls for help. Services were adapted to enable mental health support, improve levels of activity and build confidence as lockdowns and shielding ended. Where emergency assistance support had been given the hubs (working with the Council) received many positive comments and feedback from those who were supported and their wider families around their needs. Other departments of the Council such as Housing, Welfare and Environmental Health teams also received similar feedback from the interventions they had made by listening to the needs of the customer.

The Council assisted KCC in a Section 42 assessment to ensure institutional neglect had not occurred at Napier Barracks and supported agencies in ensuring needs of service users were met. Where service users were asking for support with English language lessons, and other activities the Council supported a response with NGOs and voluntary groups to deliver art classes, yoga and other sports activities.

The Council works closely with youth providers and sports providers to ensure the needs of young people are met through the LCPG mechanisms which exist to hear the Voice of the Child. For example the Council contributes to the selection process for funded bids where the Voice of the Child has been gleaned to help inform decision making. Young people have also given presentations to partners and the Council and further views taken into account this way. In the past where large projects such as Tall Ships have been delivered by the District Council young people have been able to contribute to the way in which the programme has run and have benefited enormously from the programme in terms of self-development and confidence.

7.0 Conclusion

- 7.1** This policy provides the framework for the Council to meet its statutory safeguarding responsibilities. It provides the latest information on the legislation, reporting mechanisms and staff responsibilities, enabling the wellbeing of vulnerable people to be safeguarded.

Designated (Safeguarding) Officer Contacts

Designated (Safeguarding) Officers (DOs)			
Name	Fixed Line No.	Mobile No.	Email
Jyotsna Leney Designated Safeguarding Lead Officer	01303 853460	07966 874174	jyotsna.leney@folkestone-hythe.gov.uk
Daisy Madder	01303 853510	07540 310688	daisy.madder@folkestone-hythe.gov.uk
Karen Everett	01303 853463	07540 675191	karen.everett@folkestone-hythe.gov.uk
Indeera Trelokie	01303 853338	07922 572036	indeera.trelokie@folkestone-hythe.gov.uk
Karen Weller	01303 853251	07876 504953	karen.weller@folkestone-hythe.gov.uk
Angie Cowey	01303 853569	-	angie.cowey@folkestone-hythe.gov.uk
Rebecca Dray	01303 242615	07985 254885	rebecca.dray@folkestone-hythe.gov.uk
Clair McLaren	01303 853503	-	clair.mclaren@folkestone-hythe.gov.uk
Emily Mowl	01303 853339	-	emily.mowl@folkestone-hythe.gov.uk
Melanie Hamill	01303 853362	-	melanie.hamill@folkestone-hythe.gov.uk
Beverley Caplin	01303 853671	-	beverley.caplin@folkestone-hythe.gov.uk
Michelle Ede	01303 853244	-	michelle.ede@folkestone-hythe.gov.uk
Kath Weeks	01303 853664	-	kath.weeks@folkestone-hythe.gov.uk
Sue Bunney	01303 853753	07823 612428	sue.bunney@folkestone-hythe.gov.uk
Sharon Davy	01303 853719	-	sharon.davy@folkestone-hythe.gov.uk
Hannah Sarjeant	-	07935 010339	hannah.sarjeant@folkestone-hythe.gov.uk
Lisa Jenner	01303 853743	-	lisa.jenner@folkestone-hythe.gov.uk
Emma Massetti	01303 853731	-	emma.massetti@folkestone-hythe.gov.uk

Lead Agencies - Essential Contacts

Kent Safeguarding Children Multi-agency Partnership (KSCMP)

Tel: 03000 41 11 11 or 03000 42 11 26

Email: kscmp@kent.gov.uk

Kent and Medway Safeguarding Adults Board

Tel: 03000 41 61 61

Email: KMSAB@kent.gov.uk

Kent Social Services – Out of Hours – Children and Adults

Tel: 03000 41 91 91

Police

Emergency – Tel: 999

Non-emergency - Tel: 101

PREVENT (Radicalisation)

Nick Wilkinson- KCC County Prevent Lead (Prevent and Channel Strategic Manager)

Tel: 03000 417 201 or 07785 341 727

Jess Harman- KCC Prevent Coordinator Kent and Medway

Tel: 03000 421 935 or 07929 659 238

Immediate Threat: Tel: 999

Non-immediate Threat: Tel: 03000 41 41 41

Police: 101 or 0800 789 321

Operation Willow (Child Sexual Exploitation)

Tel: 101 – Combined Safeguarding Team

'Say Something Helpline': 116 000 (for anonymous reporting)

LADO (Allegations against staff)

County LADO Service

Tel: 03000 410 888

Email: kentchildrenslado@kent.gov.uk

Mental Health / General Wellbeing

Shepway Community Mental Health Team

The Shepway Community Mental Health team provides support and treatment in the community to adults between the ages of 18-65 who are experiencing a mental illness. The team includes psychiatrists, community mental health nurses, occupational therapists, psychological services and support staff. The team also works in partnership with social care.

Tel: 01303 227510

<https://www.kmpt.nhs.uk/our-services/shepway-community-mental-health-team/>

Release the Pressure

Phone 0800 107 0160 for free confidential support at any time.

Free expert advice from trained counsellors is available for every mental health concern, including:

- Anxiety
- Depression
- Low self-esteem
- Money worries
- Relationship troubles
- Stress
- Suicidal thoughts.

Live Well Kent

Tel: 01303 227510 Tel.: 0800 567 7699

Email: info@livewellkent.org.uk

Web: livewellkent.org.uk/in-your-area/south-kent-coast/

Samaritans

Tel: 116 123 (free phone number)

Alternative no. 03300 945 717

Web: www.samaritans.org

Address: Samaritans House, 9 Cambridge Gardens, Folkestone CT20 1DB

Support Service Guide

In addition, all staff have access to a safeguarding support services guide on the Intranet. This guide facilitates frontline staff in signposting customers/service users to relevant services available in the local community, as appropriate.

Myth-busting Guide to Information Sharing (Source: Working Together to Safeguard Children 2018)

Myth-busting guide to Information Sharing

Sharing information enables practitioners and agencies to identify and provide appropriate services that safeguard and promote the welfare of children. Below are common myths that may hinder effective information sharing.

Data protection legislation is a barrier to sharing information

No – the Data Protection Act 2018 and GDPR do not prohibit the collection and sharing of personal information, but rather provide a framework to ensure that personal information is shared appropriately. In particular, the Data Protection Act 2018 balances the rights of the information subject (the individual whom the information is about) and the possible need to share information about them.

Consent is always needed to share personal information

No – you do not necessarily need consent to share personal information. Wherever possible, you should seek consent and be open and honest with the individual from the outset as to why, what, how and with whom, their information will be shared. You should seek consent where an individual may not expect their information to be passed on. When you gain consent to share information, it must be explicit, and freely given. There may be some circumstances where it is not appropriate to seek consent, because the individual cannot give consent, or it is not reasonable to obtain consent, or because to gain consent would put a child's or young person's safety at risk.

Personal information collected by one organisation/agency cannot be disclosed to another

No – this is not the case, unless the information is to be used for a purpose incompatible with the purpose for which it was originally collected. In the case of children in need, or children at risk of significant harm, it is difficult to foresee circumstances where information law would be a barrier to sharing personal information with other practitioners

The common law duty of confidence and the Human Rights Act 1998 prevent the sharing of personal information

No – this is not the case. In addition to the Data Protection Act 2018 and GDPR, practitioners need to balance the common law duty of confidence and the Human Rights Act 1998 against the effect on individuals or others of not sharing the information.

IT Systems are often a barrier to effective information sharing

No – IT systems, such as the Child Protection Information Sharing project (CP-IS), can be useful for information sharing. IT systems are most valuable when practitioners use the shared data to make more informed decisions about how to support and safeguard a child.

Glossary of Terms

Abuse and neglect: forms of maltreatment. A person may abuse or neglect a child, young person or vulnerable adult by inflicting harm, or by failing to act to prevent harm, including failing to ensure that the standard of care adequately supports health or development. There are four main types of abuse and neglect: physical, emotional, sexual and neglect.

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

Emotional abuse: The persistent emotional maltreatment of a person such as to cause severe and persistent adverse effects on the person's emotional development.

Sexual abuse: Involves forcing or enticing a person to take part in sexual activities, not necessarily involving a high level of violence, whether or not the person is aware of what is happening. Sexual abuse may be perpetrated with or without physical contact. Child Sexual Exploitation (CSE) is a form of child sexual abuse.

Neglect: The persistent failure to meet basic physical and/or psychological needs of a child, young person or vulnerable adult, likely to result in the serious impairment of their health or development. Neglect may also occur during pregnancy as a result of maternal substance abuse.

Adult Social Care: County Council's social care services for adults.

Channel Panel: Part of the Prevent Strategy, Channel is a programme which focuses on providing support at an early stage to people who are identified as being vulnerable to being drawn into terrorism. The programme uses a multi-agency approach to protect vulnerable people by: identifying individuals at risk; assessing the nature and extent of that risk; and developing the most appropriate support plan for the individuals concerned. The panel, which comprises statutory partners and the Channel Co-ordinator is chaired by the responsible local authority.

Child or young person is defined by the Children Act 1989 and Children Act 2004 to be anyone who has not yet reached their 18th birthday.

Child in Need: Under Section 17 of the Children Act 1989, a child whose vulnerability is such that they are unlikely to achieve or maintain a reasonable standard of health and development without the provision of services. This includes disabled children. The critical factors to be taken into account when deciding whether a child is in need under the Children Act 1989 are what will happen to the child's health or development without services, and the likely effect the services will have on the child's standard of health and development.

Child Protection is a key part of the safeguarding process and describes the activity that is undertaken to protect specific children who are identified as either suffering, or likely to suffer, significant harm as a result of abuse or neglect.

Children's Social Care: a functional division within Kent County Council which provides support, protection and care services to children and their families.

Development: Under Section 31(9) of the Children Act 1989 as amended by the Adoption and Children Act 2002, development refers to physical, intellectual, emotional, social or behavioural development;

Domestic Abuse and Domestic Violence: Any incident or pattern of incidents of controlling, coercive, threatening, degrading and violent behaviour, between those aged 16 or over who are or have been intimate partners or family members, regardless of gender or sexuality. Domestic abuse/violence may also be perpetrated by carers. Examples include:

- **Psychological / emotional abuse**, including intimidation and threats, social isolation, verbal abuse, humiliation, constant criticism and / or enforced trivial routines
- **Physical violence**, such as slapping, pushing, kicking, punching, stabbing, damage to property, attempted murder or murder
- **Restriction of freedom**, such as controlling who the victim(s) see(s) or where they go; what they wear or do; stalking, imprisonment or forced marriage
- **Sexual violence**, i.e. any non-consensual sexual activity (including rape, sexual assault, coercive sexual activity or refusing safer sex
- **Financial /economic abuse**, such as misusing money, which limits and controls their partner's current and future actions and their freedom of choice. It can include, using credit cards without permission, putting contractual obligations in their partner's name, gambling with family assets, discontinuing child support and withholding benefit books or bank cards.

Disclosure: A disclosure is the act or process of revealing, uncovering or sharing of information directly or indirectly.

Direct disclosure: a direct statement by the victim to another person that he/ she (the victim) is being or was abused.

Indirect disclosure: Making an experience of abuse known via means other than telling someone directly. Indirect disclosures may be made through behaviours, emotions, art, writing, appearance, inquiries, discussions about fears, concerns or relationships, indirect statements with conditions e.g. "Promise not to tell" and third party statements e.g. "My friend's parents hurt him every day."

Domestic Homicide Review (DHR) is a statutory requirement for local authorities to undertake a multi-agency review following a domestic homicide or suicide to identify what needs to change to reduce the risk of further incidents.

Extremism is vocal or active opposition to fundamental values including democracy, the rules of law, individual liberty, mutual respect and tolerance or different beliefs and faiths. Also included are calls for death of members of the armed forces whether in this country or overseas.

Female Genital Mutilation (FGM): a form of abuse and violence against girls and women which comprises all procedures involving partial or total removal of

the external female genitalia for non-medical reasons. In England and Wales, it's mandatory for all regulated health and social care professionals and teachers to report 'known cases' of female genital mutilation (FGM) in under 18s to the police (Home Office, 2016).

Forced marriage: a marriage conducted without the valid consent of both parties, where duress is a factor. Duress can involve physical, psychological, sexual, financial and / or emotional pressure.

Harm: Under Section 31(9) of the Children Act 1989 as amended by the Adoption and Children Act 2002, harm is defined as the ill-treatment or the impairment of health or development of another, including, for example, seeing or hearing the ill-treatment take place. Under the same piece of legislation health includes physical or mental health.

Honour-based violence and abuse covers a variety of behaviours (including crimes) where a person is being punished by their family and / or community for a perceived transgression against the "honour" of the family or community. This includes physical abuse, sexual abuse, emotional and / or psychological abuse, financial abuse, forced marriage, female genital mutilation and in some cases, murder.

Ill-treatment: Under Section 31(9) of the Children Act 1989 as amended by the Adoption and Children Act 2002, ill-treatment includes physical or sexual abuse as well as forms of ill-treatment that are not physical.

Kent and Medway Safeguarding Adults Board (KMSAB) raises awareness and promotes the welfare of vulnerable adults by the development of an effective co-operative. This group of people come from a wide range of public and voluntary services and other organisations and is committed to ensuring that the work done effectively brings about good outcomes for adults. It is a board that draws on expertise and experience from a number of sources.

The aim of KMSAB is to promote and develop effective protection systems for vulnerable adults across a wide range of agencies and where preventative strategies fail to ensure professionals are equipped to deal with incidents.

Kent Safeguarding Children Multi-agency Partnership (KSCMP): a statutory multi-agency organisation, which brings together agencies who work to safeguard and promote the welfare of children and young people in Kent. The Partnership replaces the Kent Safeguarding Children Board (KSCB) following the recommendation made in the Wood review that guarding boards be discontinued. The aim of the Partnership is to improve outcomes for children by co-ordinating the work of local agencies to safeguard and promote the welfare of children and ensuring the effectiveness of that work.

Organised and complex abuse: Abuse involving one or more abusers and a number of related or non-related abused children and may take place in any setting. The adults concerned may be acting together to abuse children, sometimes acting in isolation or may be using an institutional framework or position of authority or be in a celebrity position to access and recruit children for abuse. Such abuse can occur as part of a network of abuse across a family or community and within institutions such as boarding schools, sports clubs and faith groups (among others). Technological devices may be involved and although in most cases of organized and complex abuse the abuser(s) is an adult/are adults, it is also possible for children and young people to be perpetrators of such harm with or without adult abusers. Organised abuse can

also continue into adulthood, with sexual assault and exploitation being amongst the types of abuse that most often continue on from childhood.

Radicalisation: the process by which people come to support terrorism and extremist ideologies associated with terrorist groups, leading to terrorism.

Serious Case Review: usually convened when a child either sustains a life-threatening injury or dies (including through suicide) and abuse or neglect are known or suspected to be a factor in the death. Serious Case Reviews are also usually conducted upon the death of a vulnerable adult as a consequence of harm or neglect and for whom the local authority (Kent County Council) had responsibility.

Sexual exploitation: a form of abuse that involves the exchange of sexual activities by children for commodities such as money, drink, drugs, shelter, protection, accommodation etc. it is often perpetrated by an adult through violence or threats of violence and may include involving the child in prostitution, and pornography. Adults may also be victims of sexual exploitation. Often such experiences that took place during their childhood continue into adult life.

Significant Harm: The Children Act 1989 introduced the concept of significant harm as the threshold that justifies compulsory intervention in family life in the best interests of children. There are no absolute criteria on which to rely when judging what constitutes significant harm, however consideration of the severity of ill-treatment may take into account the degree and extent of physical harm; the duration and frequency of abuse and neglect; the extent of premeditation, and the presence or degree of threat, coercion, sadism and bizarre or unusual elements.

Terrorism: is defined in the Terrorism Act 2000 (TACT 2000) as an action that endangers or causes serious violence to a person or people, causes serious damage to property or seriously interferes or disrupts an electronic system. The use of threat must be designed to influence the government or to intimidate the public and is made for the purpose of political, religious or ideological gain.

Trafficking is the recruitment, transportation, transfer, harbouring or receipt of persons by means of threat, use of force or coercion for the purpose of sexual or commercial exploitation or domestic servitude. It may take place within the UK from one area to another, as well as into the UK from elsewhere.

Well-being: The meaning of well-being is encapsulated within Section 10 of the Children Act 2004 as children's:

- Physical and mental health;
- Protection from harm and neglect;
- Education, training and recreation;
- Contribution to society, and
- Emotional, social and economic well-being.

Vulnerable adult: a person over the age of 18 years who may be in need of community care services (including health care) by reason of mental or other disability, age or illness, and who is or may be unable to take care of him or herself or unable to protect him or herself against significant harm or exploitation. (No Secrets 2000)

Vulnerability and Prevent - A person who is susceptible to extremist messages and is at risk of being drawn in to terrorism or supporting terrorism at a point in time.

Legislative Framework

A summary of the relevant legislation is listed below, although it should be noted that this list is by no means exhaustive.

Working Together to Safeguard Children (2018) (revised 2020)

Working Together to Safeguard Children: Statutory Framework (2018)

Keeping Children Safe in Education (2021)

Children and Social Work Act (2017)

This Act also includes requirements to support Care Leavers.

Modern Slavery Act (2015)

The act makes provision about slavery, servitude and forced or compulsory labour and about human trafficking, including provision for the protection of victims.

Counter Terrorism and Security Act (2015)

The Counter Terrorism and Security Act 2015 place duties on local authorities to ensure that publicly-owned premises are not used to disseminate extremist views.

Serious Crime Act (2015)

The act outlaws causing emotional distress of children, regulate corrupt accountants and other businesses who assist criminal gangs, regulate “drug cutting agents”, and deal with offences related to female genital mutilation, paedophilia, and amend the Terrorism Act 2006.

Anti-social Behaviour, Crime and Policing Act (2014)

The Anti-Social Behaviour, Crime and Policing Act 2014, makes it a criminal offence to force someone to marry, and Forced Marriage is now a criminal offence punishable by law (16 June 2014).

Care Act (2014)

Sets out a clear legal framework for how local authorities and other parts of the health and care system should protect adults at risk of abuse or neglect.

Domestic Abuse Act (2021)

This Act provides further protection for people who experience domestic abuse (DA), as well as strengthening measures to tackle perpetrators of DA.

Domestic Violence, Crime and Victims Act (Amendment) (2012)

The Domestic Violence, Crime and Victims (Amendment) Act 2012 extends the offence in section 5 of the 2004 Act to cover causing or allowing serious physical harm (equivalent to grievous bodily harm) to a child or vulnerable adult.

Equality Act (2010)

The Act makes it unlawful to discriminate against people on the basis of age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; and sexual orientation.

Children and Young Persons Act (2008)

The purpose of the Act is to reform the statutory framework for the care system in England and Wales by implementing the proposals in the White Paper that require primary legislation. This forms part of the Government's programme to ensure children and young people receive high quality care and support. The Act also includes provisions in relation to well-being of children and young people, private fostering, child death notification to Local Safeguarding Children Boards and appropriate national authorities, the powers of the Secretary of State to conduct research and applications for the discharge of Emergency Protection Orders.

The Forced Marriage (Civil Protection) Act (2007) makes provision for protecting children, young people and adults from being forced into marriage without their free and full consent

Safeguarding Vulnerable Groups Act (2006)

Introduced the new vetting and barring scheme for those working with children and vulnerable adults in a paid or voluntary capacity. The Disclosure and Barring Service replaces the Criminal Records Bureau and the Independent Safeguarding Authority. The Disclosure and Barring Service process requests for criminal records checks; decide whether to place or remove an individual from a barred list; place or remove a person from the children's or adults barred lists for England, Wales and Northern Ireland.

The Mental Capacity Act (2005)

The five principles are outlined in the Section 1 of the Act. These are designed to protect people who lack capacity to make particular decisions, but also to maximise their ability to make decisions, or to participate in decision-making, as far as they are able to do so.

Domestic Violence, Crime and Victims Act (2004)

Domestic Homicide Reviews (DHRs) were established on a statutory basis under section 9 of the Domestic Violence, Crime and Victims Act (2004). This provision came into force on 13th April 2011.

The Children Act (2004)

Councils are defined in section 13(3) of the Children Act 2004 as partners on the Local Safeguarding Children Board. As a "Board partner", the Council has a duty to contribute to the effective work of the Board. As such, and under Working Together to Safeguard Children Guidance 2013, the Council has a legal obligation to complete a self-assessment, or audit, of its safeguarding activities around children.

Sexual Offences Act (2003)

In England, the legislation relating to Child Sexual Exploitation is covered under the Sexual Offences Act 2003. Girls and boys under the age of 16 cannot by law, consent to sexual intercourse and anyone engaging in sexual activity (as defined in The Sexual Offences Act 2003) with a child under the age of 16 is committing an offence. Children under 13 years of age cannot under any circumstances

consent to sexual activity and specific offences, including rape, exist for child victims under this age.

Female Genital Mutilation Act (2003)

The Female Genital Mutilation Act 2003, came into force in March 2004. It introduced the issue of extra-territoriality, which makes it an offence for FGM to be performed anywhere in the world on UK nationals or UK permanent residents. The 2003 legislation also increased the penalty for aiding, abetting or counselling to procure FGM to 14 years imprisonment or a fine or both. Section 5B of the Act introduced a mandatory reporting duty which came into force on October 2015. Commonly known as the **FGM mandatory reporting duty**, it requires regulated health and social care professionals and teachers in England and Wales to report to the Police all 'known' cases of FGM in under 18s which they identify in the course of their professional work.

Sexual Offences Act (2003)

Sections 30-33 - create offences that rely on the inability of a person to refuse the sexual activity on account of lack of capacity or where they are unable to communicate their refusal. Sections 34-37 relate to situations where a person suffering from a mental disorder is threatened, coerced or deceived into sexual activity where the perpetrator knew the person was suffering from a mental disorder, or reasonably suspects.

Homelessness Act (2002)

Under Section 12 of the Homelessness Act 2002, as a housing authority, the Council is required to refer homeless persons with dependent children who are ineligible for homelessness assistance or are intentionally homeless, to Children's Social Care, as long as the person consents. If homelessness persists, any child in the family could be in need. In such cases, if Children's Social Care decides the child's needs would be best met by helping the family to obtain accommodation, it can ask the Council for reasonable assistance in this.

The Adoption and Children Act (2002)

This act replaces the Adoption Act 1976, updates the Children Act 1989 and modernises the existing legal framework for domestic and inter-country adoption in England and Wales.

The Protection of Children Act (1999)

Under this act, childcare organisations (defined as those that are concerned with the provision of accommodation, social services or health care services to children or the supervision of children) must make use of the Disclosure Service in their recruitment and reporting processes and urges other organisations working with children to also do so.

Data Protection Act (1998)

This act replaced the Data Protection Act 1984 and the Access to Personal Files Act 1987. It relates to recording information, including information about children. Under the 1998 act, personal information must be obtained fairly and processed lawfully. Information can only be shared in certain circumstances and it has to be accurate, relevant and kept securely.

The Human Rights Act (1998)

The Human Rights Act applies the European Convention on Human Rights to domestic law. Article 8, which covers respect for private and family life, limits state intervention in family life, which must be “in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others”. This ensures that a child’s right to protection overrides a family’s right to privacy.

Housing Act (1996)

Part VII – This Act places a duty on local authorities to provide accommodation for homeless people with a priority need, i.e. people who are vulnerable because of old age and homelessness, mental illness, learning and physical disability or other special reason.

Sections 145 & 149 – Provides a new ground for the granting of a possession order on the application of the local authority/housing association where a partner has left the dwelling because of violence or threats of violence by the other partner and the court is satisfied that the partner who has left is unlikely to return.

United Nations Convention on the Rights of the Child (1989)

This international agreement sets out the minimum standards for protecting children’s rights and refers to all children up to the age of 18 years old. The principles and standards are binding on states that have ratified them. There are 54 articles: 40 give direct rights to children. The Convention defines the basic human rights of all children and specifies 14 basic rights.

The Children Act (1989)

The Children Act 1989 came into force in October 1991. It brought together legislation on caring for and protecting children and is still the framework for safeguarding children and promoting their welfare.

Criminal Justice Act (1988)

Section 39 – Common Assault – Assault is defined as any physical contact without consent. It includes acts or words involving threats of violence. No physical evidence may be present. It includes assault and battery, which involve the threat of immediate violence and which are summary offences

Mental Health Act (1983)

Section 127(2) – Provides that it is an offence for any staff member of a hospital or mental nursing home or for any person to ill-treat or wilfully neglect a patient or person who is subject to his/her guardianship under this Act. It is also an offence for a guardian, or other person who has care of a mentally disordered person living in the community, to ill-treat or wilfully neglect that person.

The Rehabilitation of Offenders Act (1974)

This act made any convictions “spent” after a certain period and the convicted person would not normally have to reveal or admit the existence of a spent conviction. In most circumstances, an employer cannot refuse to employ someone, or dismiss them, on the basis of a “spent” conviction. However under this act all applicants for positions which give them “substantial, unsupervised access on a sustained or regular basis” to children, must declare all previous convictions whether spent or unspent, and all pending cases against them.

Safeguarding Adult Review Process

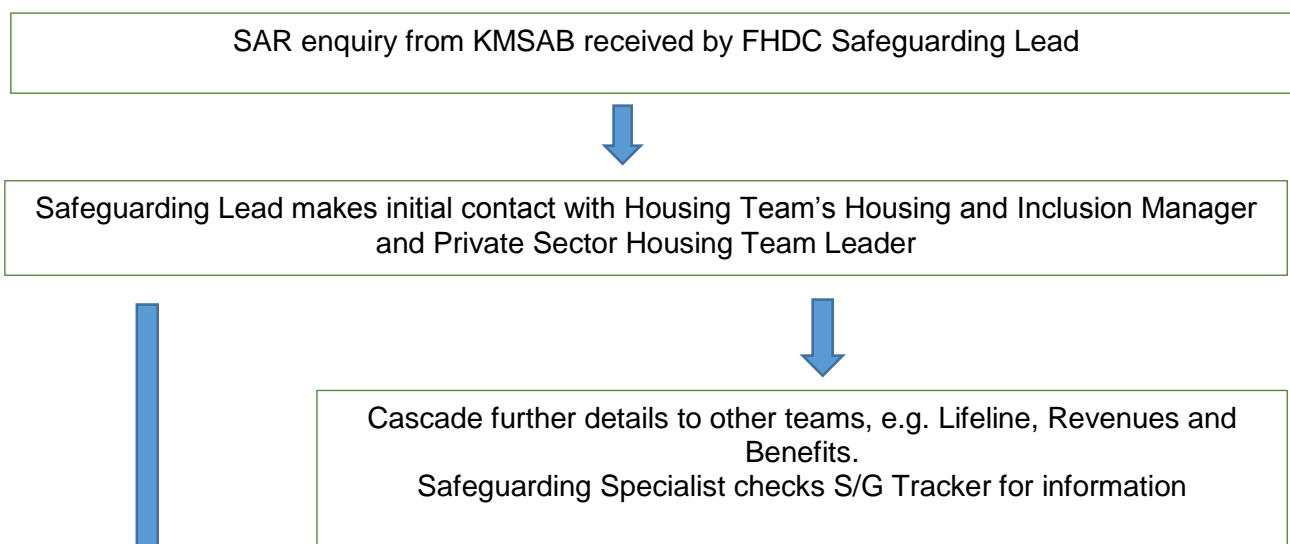
The Kent and Medway Safeguarding Adults Board (KMSAB) has a duty to carry out a Safeguarding Adults Review (SAR) when an adult at risk in Kent or Medway dies as a result of abuse or neglect, whether known or suspected, and there is concern that partner agencies could have worked more effectively to protect the adult.

KMSAB must also arrange a SAR if the same circumstances apply where an adult is still alive but has experienced serious neglect or abuse.

[Kent and Medway SAB - Safeguarding Adult Reviews \(kmsab.org.uk\)](http://kmsab.org.uk)

The current multi-agency SAR procedure states that any agency representative or professional must refer a case which is believed to meet the threshold of the SAR criteria.

Step	Detail	Lead Responsibility
1	SAR enquiry from KMSAB received by FHDC Safeguarding Lead (Jyotsna Leney)	Safeguarding Lead
2	S/G Lead makes initial contact with housing teams- Housing and Inclusion Manager (Mark Damiral)/ Private Sector Housing Team Leader (Kerry Petts)	Housing Team
3	Depending on response from Step 2, further details may be cascaded to other teams e.g. Lifeline, Revenues and Benefits. Safeguarding Specialist also to check S/G tracker for any information	Safeguarding Lead
4	If housing have in hand the SAR work rests with them, and they carry out all onward liaison with KMSAB. Case closed for S/G Lead	Housing Team
5	If nil returns from Step 3- case closed and KMSAB notified	Safeguarding Lead
6	If Step 3 yields information the relevant department continues ongoing liaison with KMSAB until SAR is complete	Safeguarding Lead



Housing has in hand- SAR work rests with them, and they continue liaison with KMSAB. Case closed for Safeguarding Lead



Nil returns- Case closed and KMSAB notified

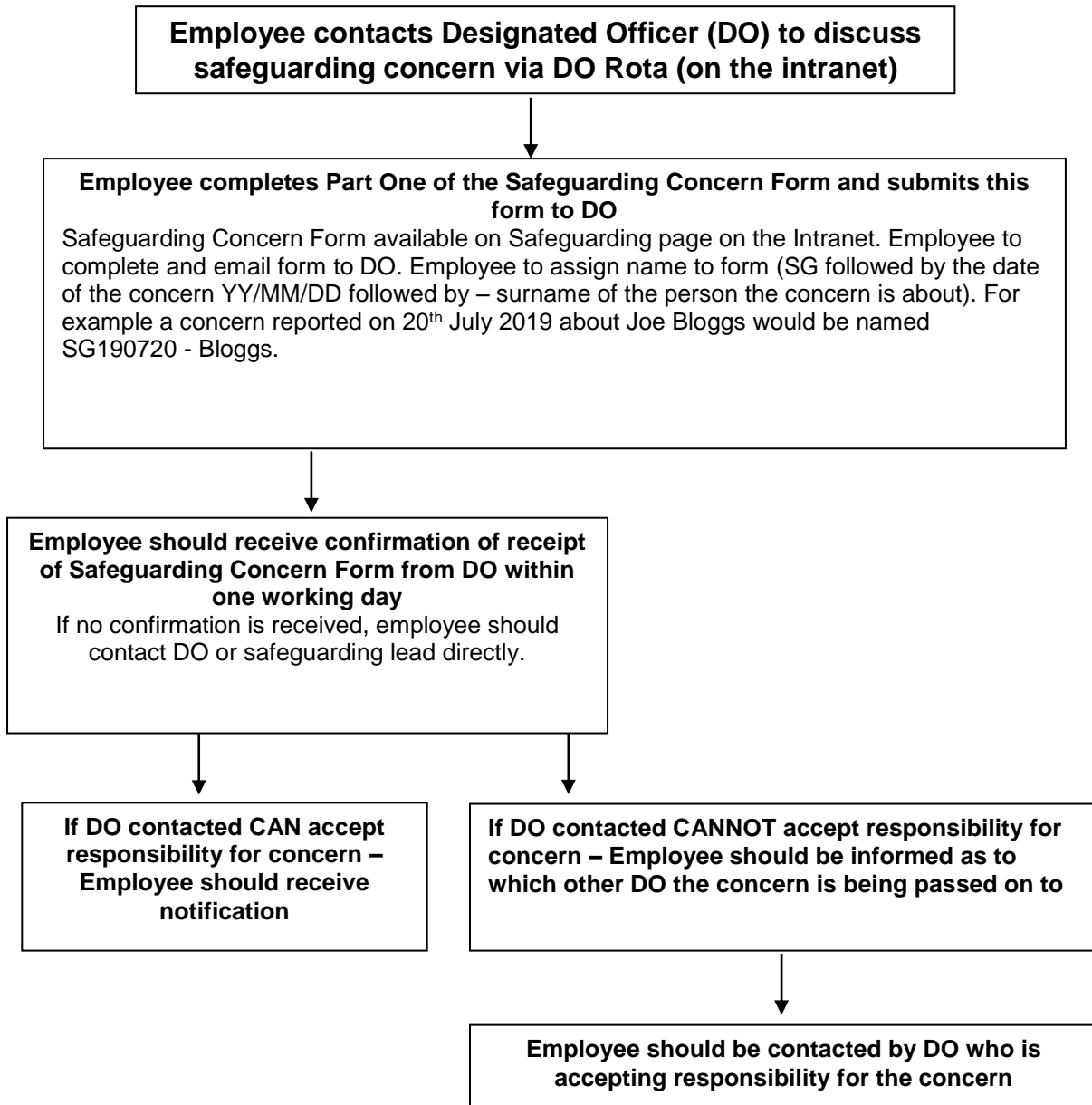


Information identified. Relevant department continues ongoing liaison with KMSAB until SAR is complete.

Safeguarding Procedure Flowchart – General (Internal Procedures)

Procedure for FHDC Employee to Report a Safeguarding Concern

IMPORTANT: If any individual is in immediate danger you must contact the emergency services directly. In any event, including emergencies, where a safeguarding concern is reported to an external agency, the FHDC employee is still **always required** to report the safeguarding concern internally to a Designated Officer thereafter.



DO then makes decision on next steps, updating safeguarding form as appropriate (see below)

Safeguarding Procedure Flowchart – Designated Officers (DOs)

Procedure for Designated Officers (DOs) – Handling a Safeguarding Concern

