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<b>PART A:</b>	<b>MATTERS DEALT WITH UNDER DELEGATED POWERS</b>
<b>REPORT TO:</b>	<b>POLICY AND RESOURCES COMMITTEE</b>
<b>DATE:</b>	<b>14 NOVEMBER 2019</b>
<b>REPORT OF THE:</b>	<b>DEPUTY CHIEF EXECUTIVE TONY GALLOWAY</b>
<b>TITLE OF REPORT:</b>	<b>APPROVAL OF THE REVISED SAFEGUARDING POLICY</b>
<b>WARDS AFFECTED:</b>	<b>ALL</b>

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## **EXECUTIVE SUMMARY**

### **1.0 PURPOSE OF REPORT**

- 1.1 Ryedale District Council's safeguarding policy and procedures have been reviewed to ensure that the organisation fulfils its statutory responsibilities.
- 1.2 The revised policy and procedures are aligned to North Yorkshire County Council (NYCC). NYCC, in partnership with West Yorkshire and the City of York, has revised its policy and procedures in relation to safeguarding adults. This means that a review of this Council's procedures has taken place to ensure they are in line with the changes. The changes came into effect in October 2019.

### **2.0 RECOMMENDATIONS**

- 2.1 That the Committee endorse the revised Ryedale District Council (RDC) Adults, Children and Young People Safeguarding Policy 2019, which is fully aligned to revised County Council procedures and is attached at Annex 1.

### **3.0 REASON FOR RECOMMENDATIONS**

- 3.1 To ensure RDC's safeguarding policy and procedures are fit for purpose and in line with policies across the County, thus enabling the organisation to fulfil its safeguarding responsibilities with respect to children, young people and vulnerable adults.

### **4.0 SIGNIFICANT RISKS**

- 4.1 Ryedale District Council needs to ensure that its policy and procedures for referring safeguarding alerts is up to date and in line with the requirements from the County Council. Implementing the new policy and providing updated staff training will mitigate any risks.

4.2 Due to the importance of this agenda, reassurance has been sought from all District and Borough Councils that they have formally adopted and will act in accordance with changes made by the County Council with respect to safeguarding vulnerable adults. To not approve Ryedale District Council's revised policy at Annex 1 will mean that we are in breach of our safeguarding duties as a Council.

## **5.0 POLICY CONTEXT AND CONSULTATION**

5.1 Ryedale District Council has a statutory duty to:

- Make arrangements to ensure its functions safeguard and promote the welfare of children (*Section 11 of the Children Act 2004, Working Together 2013*)
- Co-operate with other agencies and both safeguarding boards (*Children's Act 2004, Working Together 2013, Section 11 Children Act 2004, Safeguarding Vulnerable Groups 2006*)
- Work with partners to ensure that vulnerable adults at risk of abuse receive protection and support. (Ensure procedures prevent unsuitable people working with children and vulnerable adults *Safeguarding Vulnerable groups Act 2006, Safeguarding Vulnerable Groups Regulations 2012*)

5.2 At a policy level, district and borough councils need to demonstrate:

- Senior management commitment to the importance of safeguarding and promoting children and vulnerable adults' welfare
- A clear statement of the council's responsibilities available for all staff
- A clear line of accountability within the organisation for work on safeguarding
- Service development that takes account of the need to safeguard and promote welfare - and is informed by the views of children and families
- Safer recruitment procedures
- Training on safeguarding and promoting the welfare of children and vulnerable adults for all staff working with, or in contact with, children and families,
- Effective inter-agency working
- Effective information sharing.

5.3 The formal adoption of Ryedale District Council's revised policy, alongside the actions required to embed it, will ensure that these requirements are met.

## **REPORT**

### **6.0 REPORT DETAILS**

- 6.1 Safeguarding is a statutory requirement.
- 6.2. Arrangements for children and young people have not changed at this time, so the report below makes reference to the changes required for safeguarding vulnerable adults.
- 6.3 All organisations must follow the policies and procedures provided by the North Yorkshire Safeguarding Adults Board.
- 6.4 For the purposes of this report ‘Safeguarding Adults’ means protecting an adult’s right to live in safety, free from abuse and neglect.

‘It is about people and organisations working together to prevent and stop both the risks and experience of abuse or neglect, while at the same time making sure that the adult’s wellbeing is promoted including, where appropriate, having regard to their views, wishes, feelings and beliefs in deciding on any action.

This must recognise that adults sometimes have complex interpersonal relationships and may be ambivalent, unclear or unrealistic about their personal circumstances.’

- 6.5 Ryedale District Council (RDC) needs to ensure that adult safeguarding referrals are made for adults who meet the following 3-Stage test (Section 42 of the Care Act 2014):
- Has needs for care and support (whether or not the authority is meeting any of those needs)
  - Is experiencing, or is at risk of, abuse or neglect, and
  - As a result of those needs is unable to protect himself or herself against the abuse or neglect or the risk of it.
- 6.6 The County Council is not required by law to carry out safeguarding enquiries on behalf of adults who do not fit the criteria outlined above. However they may do so at their own discretion should these enquiries relate to an adult who:
- Is believed to be experiencing, or is at risk of, abuse or neglect; and
  - Does not have care and support needs (but might just have support needs).

Within the scope of this definition are:

- Adults who manage their own care and support through personal or health budgets;
  - Adults whose needs for care and support have not been assessed as eligible or which have been assessed as below the level of eligibility for support;
  - Adults who fund their own care and support;
  - Young people
  - Carers.
- 6.7 Referrals from RDC must and can respectively be made on the basis of the criteria set out at 6.5 and 6.6. On receipt of a referral, adult social care staff (North Yorkshire County Council) examine it and ascertain whether the statutory safeguarding threshold has been met. Some referrals made by RDC may not meet the safeguarding threshold but the County Council may choose to still work with the adults under discretionary arrangements or they may signpost for support from other appropriate agencies.
- 6.8 The County Council must also co-operate with such other agencies or bodies it considers appropriate in the exercise of its adult safeguarding functions, including:

- General Practitioners
- Dentists
- Pharmacists
- NHS hospitals, and
- Housing, health and care providers.

6.9 RDC may be invited to be involved in the development of plans for clients alongside the bodies detailed at 6.8 to safeguard individuals if appropriate.

### **Recent Legislative Changes**

6.10 The current version of RDC's policy and procedures was launched when the Care Act was implemented in 2015.

6.11 Subsequently, new statutory guidance in 2016 highlighted the need for changes to both County, District and Borough policy and procedures. This has included Making Safeguarding Personal (see below) and changes to responding to self-neglect. There was also a push to strengthen the Community Safety Partnership agenda, which has included responding to Prevent, Modern Slavery and Domestic Abuse.

6.12 Prior to the new arrangements, a large number of referrals received by North Yorkshire County Council from external partners did not meet the safeguarding threshold and were closed.

6.13 A review was undertaken by the County Council and their procedures have now been amended. Under the new arrangements the County Council's response is more flexible and referrals can be redirected to provide a more personalised response and support the individual to deliver an effective, proportionate, person centred approach that supports people to be safe and promotes their wellbeing.

### **Key Changes for Adult Safeguarding**

6.14 Focusing on the adult and their desired outcomes has been adopted by North Yorkshire County Council and is a key aspect of the new approach. This involves the following:

- Ensure risk is assessed
- Introducing the role of Safeguarding Concerns Manager (formerly Responder, for provider organisations)
- It's not about an investigation to substantiate abuse on the balance of probability
- Making it a more simple process which is less bureaucratic
- Having a single pathway with flexible person centred responses providing a clearer process for practitioners to follow, and make it easier for members of the public to understand what will happen in relation to their concerns.

6.13 In essence this is about involving and supporting the adult at risk (Making Safeguarding Personal) through:

- Keeping the person and their wishes and desired outcome at the centre of any safeguarding enquiry
- When raising a concern, ask the person what outcome they would like to achieve through safeguarding or what would help them feel 'safer'
- Promoting positive risk taking and supporting people's choice and control
- Support people who lack capacity to make their own decisions with the least restrictive option
- Seeking to enable people to resolve their circumstances, recover from abuse or neglect and realise the outcomes that matter to them in their life.

- 6.14 In addition to this, the revised RDC policy incorporates the need for staff to be trained to identify an adult who they believe has care and support needs and is at risk of abuse or neglect, and respond appropriately. Staff will be obliged to ask the adult for consent to make a referral to North Yorkshire County Council.
- 6.15 Staff can override consent in a number of circumstances, including:
- The adult lacks the mental capacity to make that decision – this must be properly explored and recorded in line with the Mental Capacity Act;
  - Emergency or life-threatening situations may warrant the sharing of relevant information with the emergency services without consent;
  - Other people are, or may be, at risk, including children;
  - Sharing the information could prevent a serious crime;
  - A serious crime has been committed;
  - The risk is unreasonably high and duty of care has to be considered;
  - Staff are implicated;
  - There is a court order or other legal authority for taking action without consent.

### **Current Position**

- 6.16 In advance of formal adoption of this policy, RDC has been training staff in the new policy and procedures expected by the County Council. This is part of the mandatory safeguarding training programme for all staff. All Elected Members have also had the opportunity to learn about their safeguarding responsibilities through two external training sessions, one held in June and one in November 2019.
- 6.17 It is also worth noting that the Chief Executive commissioned an audit report of safeguarding practice in 2019. Following receipt of the findings in September, she appointed a review team involving the Deputy Chief Executive, the HR Business Partner, the Interim Head of Customer Services and the Housing Manager to address its findings. This work is ongoing with a detailed action plan being produced to address areas identified for improvement, and the revised policy presented to this Committee is a planned step towards addressing these recommendations.

## **7.0 IMPLICATIONS**

- 7.1 The following implications have been identified:
- a) Financial  
Implications include the need for investing in specialist advice and guidance and regular training for staff, volunteers and elected members so they can fulfil their safeguarding responsibilities.
  - b) Legal  
Non-compliance with safeguarding would breach our statutory responsibilities as a Council.
  - c) Other (Equalities, Staffing, Planning, Health & Safety, Environmental and Climate Change, Crime & Disorder)  
All staff, elected members and volunteers are required to undertake mandatory training on safeguarding on a regular basis. There are no climate change or environmental implications at this time.

**Tony Galloway**  
**Deputy Chief Executive**

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**Background Papers:**