

Kirklees Council Corporate  
**Safeguarding**  
Policy 2024



**Safeguarding Children, Young People and Adults at Risk**

ACHIEVING INCLUSION

# 'Safeguarding is Everyone's Business'

## A Commitment Towards Safeguarding Children, Young People and Adults at Risk

January 2024

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# Foreword from Councillor Elizabeth Reynolds

## Portfolio Lead for Corporate Safeguarding

Every child, young person and adult has the right to live their lives in safe communities and be protected from harm. As a Council our ambition is to work together to ensure that robust safeguarding arrangements are in place.

As the Portfolio Lead for Corporate Safeguarding, I am delighted to introduce the Cross-Council Corporate Safeguarding Policy. Safeguarding is everyone's business; across the Council every individual has a valuable and vital role in keeping people safe. This Policy aims to ensure that everyone understands what safeguarding is, and what to do if they have a concern about a child or vulnerable adult.

The Council's Corporate Safeguarding Policy provides a framework for every Service within the Council setting out responsibilities in relation to safeguarding children and adults at risk as well as the methods by which the Council is assured that it is fulfilling its duties.

Safeguarding is a fundamental aspect of the Kirklees Council Plan alongside strategies connected to the Kirklees Safeguarding Children's Partnership, the Safeguarding Adults Board and the Communities Board, to further ensure that safeguarding remains a key priority. Our Inclusive Communities Framework will aid our vision to work alongside our communities in Kirklees to develop our safeguarding response, making Kirklees a safe place for children and adults to thrive.

The Corporate Safeguarding Oversight Group will mobilise this Policy, ensuring that our safeguarding responsibilities are truly promoted and embedded across the Council.

Thank you,

**Councillor Reynolds.**

## 1. Introduction

Kirklees Council believes that every child, young person and adult has the right to live safe from harm, abuse and neglect.

The Council acknowledges its role and responsibilities to provide safeguarding guidance for all staff, including those the Council contracts, elected members, voluntary staff, and partner agencies/ organisations to help protect individuals, families, and communities.

The key message of the Corporate Safeguarding Policy is that **Safeguarding is Everybody's Business** and that **all** employees and volunteers have a **duty of care** to safeguard, prevent, and report any safeguarding concern.

Abuse, neglect, and harm can take place anywhere, at any time, and be carried out by anyone. It is therefore important that all Council employees, elected members, commissioners, and volunteers are aware of their moral and legal obligations to safeguard children, young people, and adults and know what to do if they have a concern.

Council employees who **are** directly involved in safeguarding children, young people and/or adults as part of their work, are expected to respond to concerns as defined by their role and/or the statutory duties of the Council as their employer.

All managers are responsible for ensuring that they are aware of their responsibilities as outlined in this policy, and that those they manage are equally aware and briefed.

Safeguarding is everyone's responsibility regardless of whether or not there is direct contact with children, young people and /or adults as defined by job roles.

**This information outlines the Corporate Safeguarding Policy and will act as a statement to enable all to understand their role and responsibilities when they have a safeguarding concern, how to report it and where to find additional information.**



## 2. What is Safeguarding?

Safeguarding relates to all children, young people, and adults, not just those known to services.

Safeguarding and promoting the welfare of children and young people is defined by Working Together to Safeguard Children 2023 as:

- protecting children and young people from maltreatment.
- preventing impairment of children and young people's health or development.
- ensuring that children and young people grow up in circumstances consistent with the provision of safe and effective care.
- taking action to enable all children and young people to have the best outcomes.
- providing help and support to meet the needs of children as soon as problems emerge.

Safeguarding Adults duties apply to adults over the age of 18 years old as outlined in the Care Act 2014. These relate to if an adult who:

- has needs for care and support (whether or not the local authority is meeting any of those needs AND
- Is experiencing, or at risk of, abuse or neglect AND
- as a result of those care and support needs is unable to protect themselves from either the risk of, or the experience of abuse or neglect.
- children and young people who have not yet reached their 18th birthday

## 3. Definitions, Legislation & Governance

### Children and Young People

Safeguarding children and young people relates to all children and young people who have not yet reached their 18th birthday.

The abuse of a child falls under four categories:

- physical abuse
- emotional abuse
- sexual abuse
- neglect

The abuse or neglect of a child can occur by inflicting harm, and/or by failing to prevent harm; harm can also include the ill treatment that is not physical as well as the impact of witnessing ill treatment of others. This can be particularly relevant, for example, in relation to the impact on children of all forms of domestic abuse. Children may be abused in a family or in an institutional or community setting by those known to them or, more rarely, by others. Abuse can take place wholly online, or technology may be used to facilitate offline abuse. Children may be abused by an adult or adults, or another child or children. (Working Together to Safeguard Children 2018).

The legislation and statutory guidance stating the responsibilities for the safeguarding of children and young people are found within the Children Act 1989 and 2004 as amended by the Children and Social Work Act 2017; the Education Act 2002 and 2011; the Working Together to Safeguard Children 2018; the Safeguarding Vulnerable Groups Act 2006 and Keeping Children Safe in Education 2021. The Local Authority also has a Model Policy in place to ensure compliance with the above overarching legislation.

In accordance with Working Together to Safeguard Children 2018, the Local Authority, working with partner organisations and agencies, has specific duties to safeguard and promote the welfare of all children in our area.

### Kirklees Safeguarding Children Partnership (KSCP)

The Children Act 2004, as amended by the Children and Social Work Act 2017, places a duty on key agencies in Kirklees to make arrangements to work together, and with other partners locally, to safeguard and promote the welfare of all children in their area. The key agencies are:

- the police
- clinical commissioning groups
- the local authority

To ensure effective safeguarding of all children in the local area, the statutory Safeguarding Children Partnership arrangements should maintain

effective links with other strategic partnership work in the local area, for example, the Health and Wellbeing Board, Adult Safeguarding Board, and the Community Safety Partnership.

In addition to the duties of the three statutory safeguarding partners, all organisations and agencies have a shared responsibility to safeguard and promote the welfare of all children in their local area and have a duty to ensure that they consider the need to safeguard and promote the welfare of children when carrying out their functions.

The Kirklees [Safeguarding Children Partnership](#) website provides more detail about all partners involved, their responsibilities and commitments to multi-agency working arrangements.

### Keeping Children Safe in Education (KCSIE)

KCSIE 2021 is statutory guidance from the Department for Education issued under Section 175 of the Education Act 2002, the Education (Independent School Standards) Regulations 2014, the Non-Maintained Special Schools (England) Regulations 2015, and the Education and Training (Welfare of Children) Act 2021.

All schools and colleges in England must have regard to it when carrying out their duties to safeguard and promote the welfare of children. For the purposes of this guidance children includes everyone under the age of 18. The guidance includes:

- Schools whether maintained, non-maintained or independent schools (including academies, free schools, and alternative provision academies), maintained nursery schools and pupil referral units.
- Colleges which include further education colleges and sixth-form colleges as established under the Further and Higher Education Act 1992: institutions designated as being within the further education sector and providers of post 16 Education as set out in the Education and Training (Welfare of Children) Act 2021: 16-19 Academies, Special Post-16 institutions and Independent Training Providers. For colleges, the guidance relates to their responsibilities towards children who are receiving education or training at these institutions.

The Council ensures our compliance with KCSIE 2021 through Letters of Assurance (LOAs) for all council services and staff providing services or contracts to any of the above organisations; the council's LOAs are updated annually and made available to all schools via Kirklees Business Solutions webpage.

### Adults

The Care Act 2014 defines an 'adult at risk' as someone who:

- Has needs for care and support (whether or not the Local Authority is meeting any of those needs)
- Is experiencing, or at risk of, abuse or neglect.
- As a result of those care and support needs is unable to protect themselves from either the risk of, or the experience of abuse or neglect.

### The Care Act 2014 defines adult safeguarding as:

"...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." (Care Act 2014 Statutory Guidance, 2018, para 14.7).

Statutory responsibilities for the Local Authority regarding adult safeguarding apply equally to those adults with care and support needs, regardless of whether those needs are being met. The duties also apply regardless of whether the adult is assessed as meeting current eligibility requirements for social care, lacks mental capacity or not, and regardless of setting.

The Local Authority must make whatever enquiries it thinks is necessary if it believes an adult is experiencing or at risk of abuse or neglect to enable it to decide whether any action should be taken in the adult's case and if so what action and by who.

The Local Authority should promote an adult's wellbeing in their safeguarding arrangements and the six principles of Safeguarding also underpin this; informing how professionals and others should work with adults:

- empowerment
- prevention
- proportionality
- protection
- partnership
- accountability

In addition to the six principles, it is important that the safeguarding concern and any enquiry focuses on 'Making Safeguarding Personal' (MSP). This concept allows the concern to be person-centred and outcome led as well as empowering the adult at risk and encouraging choice and involvement.

### Kirklees Safeguarding Adults Board (KSAB)

Section 43 of the Care Act 2014 prescribes that all Local Authorities in England must establish a Local Safeguarding Adults Board in its area. The fundamental priority is to protect adults at risk from abuse as bycoordinating and ensuring the effectiveness of each of its members.

There are three statutory partners for the local Safeguarding Adults Board:

- the local authority
- clinical commissioning groups
- the police.

In addition, the board can opt to invite representatives from other appropriate agencies to join.

Further information about the [Kirklees Safeguarding Adult Board](#) can be found at the Kirklees Safeguarding Adult Board website

### Kirklees Communities Board (incorporating the statutory Community Safety Partnership)

Section 5 of the Crime and Disorder Act 1998 and subsequent legislative amendments places a statutory duty on Local Authorities to work in partnership to reduce crime and disorder. Known as Community Safety Partnerships (CSPs) the act defines CSPs as "An alliance of organisations which generate strategies and policies, implement actions and interventions concerning crime and disorder within their partnership area." In Kirklees, the CSP is known as the Communities Board and also brings together the partnership arrangements to develop cohesive communities.

The Communities Partnership Plan 2022 – 2027 identifies four priorities:

- Tackling Violence, Abuse and Exploitation
- Reducing Anti-Social Behaviour (ASB) and Neighbourhood Crime
- Building Resilient and Inclusive Communities
- Reducing Risk

Whilst this policy is intended for Kirklees Council, it is recognised that we work closely with a wide range of partners, including Health, West Yorkshire Police, West Yorkshire Fire & Rescue, Housing, local businesses, and voluntary and community sector groups. Protecting those who are vulnerable and/or at risk requires a system wide partnership response, and our partners are intrinsic to the successful implementation of this policy. Kirklees Council is committed to effective partnership arrangements and multi-agency solutions to help ensure the best outcomes for individual children, young people, adults, and their wider families and communities.

The most recent [Communities Partnership Board Minutes and Plan](#) provides more detail about all partners involved, their responsibilities and commitments to multi-agency working arrangements.

## 4. What is Meant by Harm, Abuse & Neglect?

Abuse is an umbrella term relating to many types of behaviours and activities which cause harm. Whilst the policy references certain types of abuse which relate to children and adults separately as described by law, it is recognised that most can affect any child or adult, regardless of age. The glossary below clarifies the different types of abuse and the characteristics associated with each type:

### Children and Young People

#### Physical Abuse

- A form of abuse which may involve hitting, shaking, throwing, poisoning, burning, or scalding, drowning, suffocating, or otherwise causing physical harm to a child. Physical harm may also be caused when a

parent or carer fabricates the symptoms of, or deliberately induces, illness in a child.

#### Emotional Abuse

- The persistent emotional maltreatment of a child such as to cause severe and persistent adverse effects on the child's emotional development.
- It may involve conveying to a child that they are worthless or unloved, inadequate, or valued only insofar as they meet the needs of another person.
- It may include not giving the child opportunities to express their views, deliberately silencing them or 'making fun' of what they say or how they communicate.
- It may feature age or developmentally inappropriate expectations being imposed. These may include interactions that are beyond a child's developmental capability, as well as overprotection and limitation of exploration and learning, or preventing a child participating in normal social interaction.
- It may involve seeing or hearing the ill-treatment of another (including witnessing domestic abuse)
- It may involve serious bullying (including cyber bullying), causing children frequently to feel frightened or in danger, or the exploitation or corruption of children. Some level of emotional abuse is involved in all types of maltreatment of a child, though it may occur alone.

#### Child Sexual Abuse

- Involves forcing or enticing a child to take part in sexual activities, not necessarily involving a high level of violence, whether or not the child is aware of what is happening.
- The activities may involve physical contact, including assault by penetration (for example, rape or oral sex) or non-penetrative acts such as masturbation, kissing, rubbing, and touching outside of clothing. They may also include non-contact activities, such as involving children in looking at, or in the production of, sexual images, watching sexual activities, encouraging children to behave in sexually inappropriate ways, or grooming a child in preparation for abuse (including via the internet).
- The sexual abuse of children can be committed by adults and/or by other children.

#### Child Exploitation

Child sexual exploitation is when an individual or a group of people takes advantage of an imbalance

of power to coerce, manipulate or deceive a child under the age of 18 into sexual activity. The criminal exploitation of children involves an individual or group taking advantage of an imbalance of power to coerce, control, manipulate or deceive a child under the age of 18 into any criminal activity. This may be:

- in exchange for something the victim needs or wants, and/or
- for the financial advantage or increased status of the perpetrator or facilitator.

A child may be sexually exploited even if the sexual activity appears consensual. The sexual exploitation of children does not always involve physical contact; it can also occur through the use of technology.

A child may have been criminally exploited even if the activity appears consensual. Child criminal exploitation does not always involve physical contact; it can also occur through the use of technology.

County Lines involves gangs and organised criminal networks exporting illegal drugs into one or more importing areas within the UK, using dedicated mobile phone lines or other form of 'deal line'. This may involve the exploitation of children and/or vulnerable adults to move and store the drugs and money.

#### Child Neglect

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

- provide adequate food, clothing, and shelter (including exclusion from home or abandonment)
- protect a child from physical and emotional harm or danger.
- ensure adequate supervision (including the use of inadequate caregivers)
- ensure access to appropriate medical care or treatment.
- It may also include neglect of, or unresponsiveness to, a child's basic emotional needs.

#### Peer on Peer Abuse

Peer on peer abuse can include (but is not limited to):



- Bullying - (including cyberbullying)
- Physical abuse – including hitting, kicking, shaking, biting, hair pulling, or otherwise causing physical harm.
- Sexual violence, including rape, assault by penetration and sexual assault.
- Sexual harassment, such as sexual comments, remarks, jokes and online sexual harassment, which may be stand-alone or part of a broader pattern of abuse.
- Upskirting; which typically involves taking a picture under a person's clothing without them knowing, with the intention of viewing their genitals or buttocks to obtain sexual gratification, or cause the victim humiliation, distress, or alarm,
- Sexting (also known as youth produced sexual imagery); AND
- Initiation type violence and rituals.

## Adults

### Physical Abuse of Adults

- Assault, hitting, slapping, pushing, misuse of medication, restraint, or inappropriate physical sanctions.
- Unlawful or inappropriate use of restraint or physical interventions. In extreme circumstances unlawful or inappropriate use of restraint may constitute a criminal offence. Someone is using restraint if they use force, or threaten to use force, to make someone do something they are resisting, or where an adult's freedom of movement is restricted, whether they are resisting or not.

Restraint covers a wide range of actions. It includes the use of active or passive means to ensure that the person concerned does something, or does not do something they want to do, for example, the use of keypads to prevent people from going where they want from a closed environment.

### Adult Neglect and Acts of Omission

- Ignoring medical, emotional, or physical care needs, failure to provide access to appropriate health, social care or educational services, and the withholding of the necessities of life such as medication, adequate nutrition, and heating.
- Neglect also includes a failure to intervene in situations that are dangerous to the person concerned or to others, particularly when the person lacks the mental capacity to assess risk for themselves.

- Self-Neglect

### Psychological Abuse of Adults

- Emotional abuse, threats of harm or abandonment, deprivation of contact, humiliation, blaming, controlling, intimidation, coercion, harassment, verbal abuse, cyber bullying, isolation or unreasonable and unjustified withdrawal of services or supportive networks.

### Sexual Abuse of Adults

- Examples of sexual abuse include rape, indecent exposure, sexual harassment, inappropriate looking or touching, sexual teasing or innuendo, sexual photography, subjection to pornography or witnessing sexual acts, indecent exposure and sexual assault or sexual acts to which the adult has not consented or was pressured into consenting.
- Sexual abuse is not confined to issues of consent the following factors should also be considered:
- Any sexual relationship or inappropriate sexualised behaviour between a member of staff and service user should lead to disciplinary proceedings.
- A sexual act between a care worker and service user with a mental disorder is also a criminal offence under section 38-42 of the Sexual Offences Act.

### Discriminatory Abuse of Adults

- Discrimination on the grounds of race, faith or religion, age, disability, gender, sexual orientation, and political views, along with racist, sexist, homophobic or ageist comments or jokes, or comments and jokes based on a person's disability or any other form of harassment, slur, or similar treatment.
- Excluding a person from activities on the basis they are 'not liked' is also discriminatory abuse.

### Financial or material Abuse of Adults

- Theft, fraud, internet scamming, postal and doorstep scams, coercion in relation to an adult's financial affairs or arrangements, including in connection with wills, property, inheritance or financial transactions, or the misuse or misappropriation of property, possessions or benefits are all forms of financial abuse and are often targeted at adults at risk. Financial abuse can have serious effects including loss of income and independence and harm to health, including mental health.

- The adult at risk can be persuaded to part with large sums of money and in some cases their life savings. These instances should be reported to the local police service and local authority Trading Standards Services for investigation.
- Where the abuse is perpetrated by someone who has the authority to manage an adult's money, the relevant body should be informed, e.g., the Office of the Public Guardian for deputies and attorneys and DWP for appointees.

### Exploitation

An individual or group may take advantage of an imbalance of power to coerce, control, manipulate or deceive a person and exploits them:

- Through violence or the threat of violence, and/or
- For financial or other advantage of the perpetrator or facilitator and/or
- In exchange for something the victim needs or wants.

### Organisational Abuse of Adults

- Is the mistreatment, abuse, or neglect of an adult by a regime or individuals in a setting or service where the adult lives, or by one that they use.

### Children and Adults

#### Domestic Abuse

The Government definition of Domestic Abuse is:

'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. This can encompass, but is not limited to, the following types of abuse:

- psychological
- physical
- sexual
- financial/economic
- emotional

Domestic abuse can take place inside or outside of the home, and anyone can be a victim regardless of gender, age, ethnicity, socio-economic status, sexuality, or background.

Types of domestic abuse include intimate partner violence, abuse by family members, teenage relationship abuse and adolescent to parent violence.

Children may experience domestic abuse directly, as victims in their own right, or indirectly due to the impact the abuse has on others, such as a non-abusive parent.

The Government definition, which is not a legal definition, includes so called 'honour' based violence,

female genital mutilation (FGM) and forced marriage and is clear that victims are not confined to one gender or ethnic group.

Domestic Abuse also includes Controlling and Coercive Behaviour which includes:

- A range of acts designed to make a person subordinate and/or dependent by isolating them from sources of support, exploiting their resources and capacities for personal gain, depriving them of the means needed for independence, resistance and escape and regulating their everyday behaviour.
- An act or a pattern of acts of assault, threats, humiliation and intimidation or other abuse that is used to harm, punish, or frighten their victim.
- A form of abuse that involves multiple behaviours and tactics which reinforce each other and are used to isolate, manipulate, and regulate the victim. This pattern of abuse creates high levels of anxiety and fear. Coercive control can have a significant impact on children and young people, both directly, as victims, and indirectly due to the impact the abuse has on the non-abusive adult.
- Children may also be forced to participate in controlling or coercive behaviour towards the parent who is being abused.

### Honour Based Abuse and Forced Marriage

Relatives, including females, may conspire, aid, abet or participate in honour-based abuse, for what might seem a trivial transgression.

The list is not exhaustive but examples of HBA may include:

- murder
- unexplained death (suicide)
- forced marriage

Domestic violence (Including psychological, physical, sexual, financial or emotional abuse)

- child abuse
- rape
- kidnapping
- false imprisonment
- threats to kill
- assault
- harassment
- forced abortion.

A forced marriage is 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: for example, threats, physical violence or sexual violence
- Emotional and psychological: for example, making someone feel like they are bringing 'shame' on their family.
- Financial abuse, for example taking someone's wages, may also be a factor.

### Female Genital Mutilation (FGM)

FGM is any procedure which involves the partial or complete removal of the external female genitalia, or other injury to the female genital organs for no medical reason. FGM is illegal in the UK, and it is also illegal to a female (child or adult) out of the UK for FGM or for anyone to circumcise women or children for cultural or non-medical reasons here in the UK.

### Hate Crimes and Hate Incidents

A hate crime is any criminal offence which is perceived by the victim or any other person, to be motivated by hostility or prejudice based on a person's disability, race, religion, sexual orientation or gender identity or perceived disability, race, religion, sexual orientation, or gender identity. Examples can include:

- physical attacks
- damage to property
- offensive graffiti and arson.

Also, threat of attack, such as inciting hatred by words, pictures or videos, offensive letters, abusive or obscene telephone calls, groups hanging around to intimidate, and unfounded malicious complaints.

A hate incident is an incident which is perceived by the victim or any other person to be motivated by hostility or prejudice based on a person's disability, race, religion, sexual orientation or gender identity or perceived disability, race, religion, sexual orientation, or gender identity. Examples can include:

- verbal or online abuse
- insults or harassment, such as taunting
- offensive leaflets or posters
- abusive gestures
- dumping of rubbish outside homes or through letterboxes
- bullying at school or in the workplace

### The Risk of Extremism

Prevent is part of the National Prevent Strategy, published by the government in 2011. It is part of the UK's overall counter-terrorism strategy known as CONTEST. Channel is a multi-agency approach to safeguarding, supporting and protecting children, young people and vulnerable adults at risk of radicalisation, extremism or terrorist related activity.

### Modern Slavery

Modern Slavery is an umbrella term, encompassing human trafficking, slavery, servitude and forced labour.

It is a hidden crime and victims include adults and children. Victims are controlled, may be transported a short distance or across continents to be forced into jobs they do not want to do. The Modern Slavery Act 2015 places a duty on local authorities to report details of suspected cases of modern slavery to the National crime Agency. A person commits an offence if:

- A person holds another person in slavery or servitude and the circumstances are such that the person knows or ought to know that the other person is held in slavery or servitude; or
- The person requires another person to perform forced or compulsory labour and the circumstances are such that the person knows or ought to know that the other person is being required to perform forced or compulsory labour.

### Where does abuse occur?

Abuse can be perpetrated by anyone, and can by happen anywhere, including in a child or adult's own home, in their community, within their family or friendship group, and or in any setting, e.g., an early years setting, a school, college, or workplace, a care/residential home, a hospital, or in voluntary /leisure activity setting. Those who may abuse include:

- parents
- siblings
- spouses/partners
- extended family members
- friends and acquaintances
- neighbours/local residents
- paid (or unpaid) staff
- volunteers
- individuals/groups unknown to the victim (including via the internet)
- People in a position of trust (Person in a Position of Trust – PiPoT)

## 5. Responsibilities for Safeguarding

### All Staff

As abuse can take place anywhere, at any time and by anyone, it is important that we are all aware of the signs of abuse and what our responsibilities are.

Everyone working within the Council, paid or unpaid, has safeguarding responsibilities and should:

- Be familiar with this policy and guidance.
- Know how to raise a safeguarding concern.
- Be familiar with any additional responsibilities they may have in respect of their role.
- Undertake safeguarding training required of them.

### The Director for Children's Services / Designated Lead Member for Children's Services

In accordance with the Children Act 2004 all Local Authorities in England must appoint a Director of

Children's Services (DCS) and ensure the designation of a Lead Member for Children's Services (LMCS).

The DCS has professional responsibility for the leadership, strategy, and effectiveness of Local Authority Children's Services. The LMCS, as a member of the Council, has political responsibility for the leadership, strategy, and effectiveness of local authority children's services. The DCS and LMCS should ensure that effective arrangements are in place to protect children and young people from harm.

### Strategic Director for Adults and Health (Director for Adult Social Services)

The above role includes the responsibilities held by the role known in the Care Act 2014 as Director for Adult Social Services and has a leadership and challenge role in relation to safeguarding. The key elements to the role are the promotion of a person-centred culture and early intervention, prevention and partnership working, to find proactive solutions to safeguarding.

### The Chief Executive

The Chief Executive holds the overall responsibility for ensuring Kirklees Council has adequate and effective safeguarding arrangements in place for children, young people and adults at risk. These include appropriate reporting mechanisms, policies and procedures, and training; ensuring that statutory requirements are met.

### Elected Members

Elected Members are the leaders within their wards and therefore have a crucial role in engaging the public in safeguarding and responding to any concerns they are made aware of. Elected Members also provide an additional level of scrutiny regarding service provision and delivery, the commissioning of provision and Council policy.

### Commissioners

Commissioners should gain assurances from their contracted providers and services around their legislative responsibilities regarding the quality and safety of their organisations and ensure that relevant safeguarding policies and procedures are in place, are being adhered to and are reviewed appropriately.

Commissioners should also ensure that mechanisms are in place to hold providers to account where any safeguarding concerns arise.

Commissioners should also work closely with regulatory bodies such as Ofsted or the Care Quality Commission and share information relating to



services, settings and/or practice appropriately to ensure children, young people and adults are safe from abuse, neglect, and harm.

## 6. Reporting a Safeguarding Concern

The Council is committed to protecting all children and adults at risk in Kirklees from harm.

All Council workers are expected to safeguard any child or adult at risk who comes to their notice, where it is believed they may be suffering harm.

The aim of this section is to ensure that all council employees understand their personal responsibilities for protecting vulnerable groups in Kirklees and are:

- Able to take appropriate action if there are suggestions that abuse is taking place.
- Are informed and able to respond in a helpful manner where anyone discloses to them that abuse is happening.

Staff working in a setting where abuse is suspected should report concerns to their manager or nominated person within their organisation within the same working day.

Do not worry that you might have got it wrong, and that abuse is not taking place. It is more important that you report any concerns that you might have, as quickly as possible, so that the relevant services can take responsibility for deciding what needs to happen next.

If any adult or child is in danger, first, ensure the individual is safe. Call the emergency services if immediate help is needed.

### **How to report your concerns in an emergency**

If any adult or child is in danger, first ensure the individual is safe. Call the emergency services if immediate help is needed and you require an immediate response:

- In an emergency, don't wait - call 999
- Call the police on 101 if you suspect a crime has previously occurred.

### **Reporting Concerns about a Child**

Children includes everyone under the age of 18. If you are concerned that a child living in Kirklees is being abused, you can telephone or email:

- Kirklees Duty & Advice for professionals (24 hours): 01484 414 960
- For members of the public (9am- 5pm office hours): 01484 456 84

### **Framework for making child safeguarding decisions in Kirklees.**

This document sets out the approach in Kirklees to keeping children safe and protected from harm. It is designed to ensure that across the continuum of need professionals consider that the right help is given to the right children at the right time and for the right duration.

The [Framework for Making Safeguarding Decisions](#) in Kirklees is provided by the Kirklees Safeguarding Children Partnership.

Should you need further information, you can also contact the Kirklees Safeguarding Children Partnership Business Unit as below.

- Phone: 01484 225161
- Email: [KSCB.admin@kirklees.gov.uk](mailto:KSCB.admin@kirklees.gov.uk)

### **Reporting Concerns about an Adult at Risk**

If you are [concerned that an adult at risk living in Kirklees](#) is being abused, you can find out more information and report by visiting the Kirklees Council website page which contains all of the relevant details.

All safeguarding concerns will be taken seriously; enquiries will be made about your concerns and discussions will take place with colleagues in the Police if it is a criminal matter.

## 7. Safeguarding Concerns About a Member of Staff

### **Children and Young People**

This includes safeguarding concerns you may have about any adult in a position of trust or working (paid or unpaid) with children.

The Local Authority Designated Officer (LADO) must be informed within one working day of when an allegation is made; prior to any further investigation taking place. Improved outcomes for children are aided by close collaboration between single and multi-agency partners, through timely, quality conversations.

### **Who should be referred to the LADO?**

All allegations relating to harm of a child or young person by those who work with them, must be taken seriously. A referral should be made when it is alleged that a person who works with children (in a paid or unpaid capacity) has:

- Behaved in a way that has or may harm a child.
- Possibly committed a criminal offence against / related to a child.
- Behaved toward a child in a way that indicates he or she would pose a risk of harm.
- Behaved or may behave in a way that indicates they may not be suitable to work with children.
- An allegation has been made against a person in relation to his/her work with adult service users, which causes concern about the welfare of an adult service user's child / children, or the person also has another role working with children.

### **Reasons for an allegation**

An allegation is made against a person in relation to a matter that may indicate that the person may not be suitable to work with children. This can relate to his/her employment or voluntary activity, or to a person's private life. This may include:

- Concerns about a person's behaviour towards his/her own children
- Concerns about the behaviour of a partner, member of the family or other household member
- Where other information suggests they may pose a risk to any person that may demonstrate a transferable risk within their role with children.

The LADO will ensure that all allegations and enquires are managed proportionately and appropriately; sharing information to ensure that children are safeguarded within multi agency settings.

Information and how guidance on [how to make a referral to the Local Authority Designated Officer](#) is provided online.

### **Adults**

The Person in a Position of Trust (PiPoT) responds to safeguarding concerns which relate to a person who works with adults within a statutory or voluntary organisation. The PiPoT will then manage the enquiry appropriately and ensure that information is shared where necessary with relevant agencies, dependent on the nature of the enquiry.

There may be occasions when incidents must be reported that do not involve the adult at risk but indicate, that a risk may be posed to the adult(s) by the Person in a Position of Trust (PiPoT); [concerns relating to Person's in a Position of Trust should be shared](#) appropriately.

Staff working in a setting where abuse is suspected should report concerns to their manager or nominated person within their organisation within the same working day. It does not matter if the allegation is in doubt or proves to be wrong.

## 8. Whistleblowing

If you have concerns about another employee, elected member, or volunteer within the Council, you may want to raise the concern in a different way. Whistleblowing is the term used when a worker reports a concern which is in the public interest.



Whistleblowing is when an employee of an organisation passes on information that they reasonably believe shows wrongdoing or a cover up by that organisation. This might be about activity that is:

- illegal
- risks others' health and safety
- is about poor practice or leadership.
- failure to meet statutory requirements.

The Government website contains further information about [What a Whistleblower is](#).

The Council has its own whistleblowing procedure which covers all areas of concerns, not just safeguarding. Initially you should speak with your line manager to address the concern or approach your Service Director. If you are unable to speak with anyone in your service, there is a dedicated Service Director for whistleblowing. Full information about Whistleblowing in Kirklees is contained in the relevant [Whistleblowing Policy](#).

### Whistleblowing and Ofsted

Ofsted regulate and inspect Children's Social Care services in England alongside:

- children's homes
- residential family centres
- independent fostering agencies
- voluntary adoption agencies
- adoption support agencies
- residential holiday schemes for disabled children

If you have an issue or concern about a service that Ofsted regulate you should contact the service first, to discuss your concerns. If necessary, Ofsted can be contacted as follows:

- Phone: 0300 1233155 (8am to 6pm, Monday to Friday)
- Email: [whistleblowing@ofsted.gov.uk](mailto:whistleblowing@ofsted.gov.uk)

[The NSPCC National Whistleblowing Advice Line](#) is also available for support and advice.

### Whistleblowing and the Care Quality Commission (CQC)

If you work in a service regulated by the Care Quality Commission (CQC) and have concerns about the care being provided, ideally you should report this via the Council's whistleblowing procedure, but you can also report your concern/s directly to the CQC.

## 9. Confidentiality & Information Sharing

### Confidentiality

All information received by the Council which relates to any safeguarding matter will be treated in confidence and will be shared appropriately on a need-to-know basis where we feel you or someone else is at risk of harm.

### Information Sharing

Effective sharing of information between practitioners and local organisations and agencies is essential for early identification of need, assessment, and service provision to keep children and adults safe.

Child Safeguarding Practice Reviews (SPRs), Safeguarding Adult Reviews (SARs) and Domestic Homicide Reviews (DHRs) have highlighted that missed opportunities to record, understand the significance of and share information in a timely manner can have severe consequences for the safety and welfare of children and adults.

Practitioners should be proactive in sharing information as early as possible to help identify, assess, and respond to risks or concerns about the safety and welfare of children, whether this is when problems are first emerging, or where a child is already known to Children's Social Care (e.g. they are being supported as a Child in Need or have a Child Protection Plan). Practitioners should make careful considerations in respect of sharing important information with any adults with whom that child has contact, which may impact the child's safety or welfare.

Fears about sharing information must not be allowed to stand in the way of the need to promote the welfare, and protect the safety, of children, which must always be the paramount concern.

The responsibility to share information covers anyone engaged in Kirklees Council work (paid or unpaid) in a position of trust, with vulnerable groups whether directly employed or not. For clarity, this includes Employees, Volunteers, Apprentices, Work placements, Student placements, short or long-term work experience, Foster Carers, Adopters, Guardians, Personal Assistants, Agency staff, Commissioned services, and contractors (this list is not exhaustive).

Information Sharing Protocols may be available for service specific area. Please contact the relevant service for guidance if required.

All information sharing will be compliant with the General Data Protection Regulation (GDPR) which is a Europe-wide law that replaced the Data Protection Act 1998 in the UK on 25 May 2018. It is part of the wider package of reform to the data protection landscape that sets out requirements for how organisations will need to handle personal data.

The Policy will be updated should future changes to the regulations or further statutory guidance led to changes in practice or procedure for data processing or governance.

Sharing the right information, at the right time, with the right people is fundamental to good practice in safeguarding. Information should therefore be shared effectively and efficiently in respect of issues that may affect the safety and welfare of children, young people, and adults.

Wherever possible you should aim to gain consent to share information, but you should be mindful of situations where to do so would place a child, young person, or adult at risk at increased risk of harm. Information may be shared without consent if you have reason to believe that there is good reason to do so.

More information relating to sharing concerns about children and young people can be found [in guidance about Information Sharing and Consent](#) provided by the Kirklees Safeguarding Children Partnership.

More information relating to sharing concerns about adults can be found in guidance about the

[Joint Multi-Agency Safeguarding Adults Policy](#) provided by the Kirklees Safeguarding Adults Board, alongside other partners.

## 10. Safer Recruitment & Retention

Experience over many years shows that it is important for organisations that provide services to children and adults at risk to incorporate into their recruitment and selection procedures, measures that help deter, reject, or identify people who might abuse any vulnerable group, or who are otherwise unsuited to work with them. Ensuring safeguarding and promoting the welfare of children and adults at risk is an integral part of workforce management and an essential part of creating safe environments for all vulnerable groups.

The implementation of safer recruitment practice supports the Kirklees journey and vision to becoming a safer organisation by:

- Recruiting Social Care staff in accordance with Regulation 19 (Fit and proper persons employed) Schedule 3: Health and Social Care Act 2008 (Regulated Activities) Regulations 2014

In line with Bichard 2004 recommendations, recruitment will:

- Reduce the reliance on criminal record checks (DBS)
- Including the recruitment/selection process as a further safeguard
- Ensure the evidence base for the Council meets our stated position re 'Letters of Assurance' for contracts/ service with schools.
- Ensure the transparent and structured management of any disclosed information.

All statutory and public organisations which employ staff and/or volunteers to work with or provide services for children and adults at risk have a duty to safeguard and promote the child's or adult's welfare. This includes ensuring that safe recruitment and selection procedures are in place

to deter, reject or identify people who might abuse or are otherwise unsuitable to work with them.

Safe practice in recruitment means thinking about safeguarding at every stage of the process.

## References

The council recognises that a significant number of our work force work within notifiable occupations, therefore as an employer we have a responsibility to ensure that references are accurate, objective and does not contain any material misstatement or omissions.

As an employer we have a responsibility to request and to share information where the reference subject has had allegations upheld (substantiated) that relate either to the safety and welfare of vulnerable groups or behaviours towards vulnerable groups and how the matter was resolved.

As an employer we should seek to request and to share details where the reference subject has had any disciplinary procedures involving the safety and welfare of vulnerable groups, including in which the disciplinary sanction has expired, and the outcome of those procedures.

Details of any allegation which are found to be malicious or false (Education sector only) should be removed from an individual's personnel record.

## Disclosure and Barring Service (DBS)

The Council DBS statement sets out the Council's approach to using DBS checks and forms as part of the Council's overall safer recruitment strategies and covers the use of the Disclosure and Barring Service (DBS) disclosures for eligible positions, as determined by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975, Police Act 1997, Safeguarding Vulnerable Groups Act (2006) and Protection of Freedoms Act (2012).

DBS checks are carried out on appointment for eligible roles.

## Duty to Refer

The following groups have a legal duty to refer outcomes or information to the Disclosure and Barring Service:

- Regulated Activity suppliers (employers and volunteer managers).
- Personnel agency suppliers.
- Bodies with a power to refer.

In order to have a legal duty to refer, the two conditions must be met:

1. You withdraw permission for a person to engage in regulated activity with children and/or adults at risk. Or you move the person to another area of work that isn't regulated activity. This includes situations when you would have taken the above action, but the person was re-deployed, resigned, retired, or left. For example, a teacher resigns when an allegation of harm to a student is first made.
2. You think the person has carried out one of the following:

Engaged in relevant conduct in relation to children and/or adults at risk. An action or inaction has harmed a child or vulnerable adult or put them at risk or harm.

Been cautioned or convicted of a relevant (automatic barring either with or without the right to make representations) offence.

Where you are unsure always seek advice.

