



Gwynedd Council

Policy and Guidelines Safeguarding Children & Adults



*- Draft -
April 2013*



I. INTRODUCTION

- I.1. One of Gwynedd Council's main priorities is to ensure that there are robust arrangements and procedures in place to safeguard children and adults.
- I.2. As a Council, we are of the opinion that every child and adult has a right to be safe from harm. The Council acknowledges its role and responsibilities to provide definite guidance for staff, Councillors, partners and those people whom we serve in this key field.
- I.3. "Safeguarding" is everybody's business in every Service within the Council. Whilst Social Services is the Lead Service for dealing with enquiries regarding allegations / concerns that children and adults may be suffering significant harm, everyone has a responsibility to safeguard the welfare of children, young people and adults, whatever the role of the individual.
- I.4. It must be emphasised that "safeguarding" is a wider concept than the protection of children and adults and deals with the promoting of:
 - physical, emotional and mental health;
 - protection from harm and neglect;
 - education, training and leisure;
 - their contribution to society;
 - social and economic well-being.
- I.5. Gwynedd Council has already committed formally to the United Nations' Convention on the Rights of the Child (1989). This took place in January 2007. The 41 Article of Rights are divided into three categories – Provision Rights, Protection Rights and Participation Rights.
 - **Provision Rights** – these include the right to an adequate standard of living, the right to sufficient medical care, the right to free education and the right to legal and social services;
 - **Protection Rights** – these include the rights to protection from discrimination, abuse, neglect, bullying, abduction, along with the right to protection within the justice system;
 - **Participation Rights** - these include the right to free expression, the right to voice an opinion, the right to information and the right to participate in public life.
- I.6. Although every establishment working with children, young people and adults is committed to safeguarding and promoting their welfare, a number of organisations have statutory roles or duties:
 - under Section 28 of the Children Act 2004, Gwynedd Council has a duty to ensure that it undertakes its functions from the perspective of the need to safeguard and promote the welfare of children;
 - under Section 17 of the Crime and Disorder Act 1998, it is Gwynedd Council's duty to ensure that every reasonable step is taken to protect adults and prevent crime and disorder when it undertakes its functions.

2. PURPOSE OF THIS DOCUMENT

The purpose of this document is to introduce the Council's "Policy and Guidelines for Safeguarding Children and Adults".

This document will be submitted to the Gwynedd Council Cabinet on 30 April, 2013 and then to the full Council on 2 May, 2013 for approval. Every member of staff of the Council and every Councillor will receive a copy of this document.

2.1. Objectives and Principles of the Policy and Guidelines

2.1.1 The following are the objectives of the Safeguarding Policy and Guidelines:

- to highlight the manner in which Gwynedd Council undertakes its legal commitments in the field of safeguarding children and adults;
- to give assurance to members of the public, service users, councillors, employees and people working on behalf of the Council that there are clear arrangements in place to safeguard and protect children and adults;
- that Council staff and councillors have clear guidelines to be used when there is doubt that a child or adult is at risk of harm.

2.1.2 We are of the opinion as a Council that it is always unacceptable for a child or an adult to be abused or be harmed in any way. This is reflected in the following principles which form the basis of the Policy and Guidelines:

- Every child and adult (whatever their background, culture, age, disability, gender, ethnicity, religious belief) has a right to participate in a safe society without any violence, fear, abuse, bullying and discrimination;
- Every child and adult has the right to be protected from harm, exploitation and abuse;
- we as a Council will put the welfare of children and adults centrally in our policies and procedures;
- As a Council we will work closely in partnership with children, their parents, carers and adults and other agencies to safeguard and promote the welfare of children and adults;
- Respect the rights, wishes, feelings and privacy of children and adults by listening to them and minimising any risks that may affect them;
- Invest in preventative work and early intervention and try to avoid situations where abuse or allegations of abuse or harm may occur.

2.2. Outcomes

2.2.1 These Policy and Guidelines reflect the Council's commitment to safeguard children and adults and to protect them from being abused when they receive services arranged and provided by or on behalf of the Council.

2.2.2 When the Guidelines are introduced, we will measure the effect regularly and achieve the following high level outcomes:

- there is a clear understanding amongst staff, councillors and those working on behalf of the Council of the policies and guidelines for safeguarding children and adults;
- there are robust corporate and departmental procedures in place to ensure compliance with the Policies and Guidelines introduced here;
- there are clear and convenient communication arrangements in place across the organisation, including information about the key officers in each Service who are responsible for children and adult safeguarding issues;
- there is compliance between the procedures and those which are operational on an all-Wales basis and associated protocols for safeguarding children and adults ;
- that staff and councillors receive information and training regarding the guidelines and that this is a continuous and permanent arrangement within the organisation.

3. RESPONSIBILITIES AND DUTIES

- 3.1. Every Councillor, every member of staff, every volunteer and every contracted service provider has a responsibility to adhere to the appropriate procedures in this policy if a warning is given or if concern is expressed that abuse is taking place.
- 3.2. By following the correct procedures, it is possible to ensure that the appropriate steps are implemented to deal with any allegation or doubt;
- 3.3. Therefore, every member of staff, councillor, volunteer and service provider has a responsibility in the field of safeguarding. It is very important to highlight this.
- 3.4. This means that every Service within the Council has a key role to play and has to take full ownership of the safeguarding field. Therefore, there is a need to ensure that there are clear arrangements and procedures in place within each Service in the Council to ensure that investigations into allegations / concerns that children and adults may be suffering substantial harm receive due consideration.
- 3.5. This document draws together the corporate policies and guidelines in the field of safeguarding children and adults and it will operate as a framework for the procedures of every Service in the Council.
- 3.6. In this respect, every Service is expected to draw up its own policies and procedures for safeguarding children and adults to fully comply with this corporate Policy and Guidelines.

4. FUNCTIONS OF KEY OFFICERS AND MEMBERS

The Chief Executive has the general responsibility for ensuring that there is an effective safeguarding policy and procedures for children and adults in place and that they are implemented.

He is also responsible for the development of effective corporate governance and satisfying all the statutory requirements. However, there are some Key Officers who are worth highlighting because of their responsibilities in the safeguarding field:

4.1. Statutory Director (Social Services)

Current Post Holder: Morwena Edwards

[t. 01286 679227 e. AwenMorwenaEdwards@gwynedd.gov.uk]

- 4.1.1 The Statutory Director (Social Services) has the final and indivisible responsibility for safeguarding issues. She is responsible for ensuring that the Council has appropriate safeguarding measures to protect children and young people, adults and vulnerable older people and she is responsible for reporting at a corporate level to councillors on their effectiveness.
- 4.1.2 The Director is responsible for the following:
 - supervising the process of implementing, monitoring and improving the safeguarding and protection procedures for children and adults;
 - ensuring that there are robust reporting arrangements and processes for safeguarding children and adults and to report at corporate level and to Members;
 - ensuring the effectiveness of the Local Safeguarding Children Board;
 - ensuring that lessons are learned as a result of serious case reviews and that they are applied as necessary by every agency, acknowledging that the effectiveness of arrangements are dependent on the quality of the contribution of every agency;

- raising the profile, supporting the policy and ensuring that the Council complies fully with the Policy and Guidelines for Safeguarding Children and Adults;
- ensuring that every member of staff of Social Services understands and implements high standards in terms of identifying risks and safeguarding practices;
- promoting more awareness amongst the public of issues relating to safeguarding children and adults and to adapt social work practices in light of appropriate research;
- raising standards in social work practices by means of professional supervision training and other opportunities to learn and reflect so that staff working in the safeguarding field are supported appropriately;
- submitting observations in her statutory role on Cabinet reports dealing with the safeguarding field.

4.1.3 Whilst every member of staff has a responsibility to safeguard and promote the welfare of children and adults, the Statutory Director is the Senior Officer in the Council with the final and indivisible accountability for this.

4.2. Lead Director for Children and Young People

Current Post Holder: Iwan Trefor Jones

[t. 01286 679162 e. Iwan@gwynedd.gov.uk]

4.2.1 The Children Act (2004) places a responsibility on every local authority in Wales to appoint a lead director for children and young people services and to appoint a specified lead member for children and young people services. The role of the Lead Director in Wales does not change the arrangements of an executive authority or change accountability for services. The Lead Director for Children and Young People's Services in Wales has three main roles:

- Firstly, the Lead Director will be responsible for promoting a partnership when planning for children and young people corporately across the departments of the local authority and in recognition of his lead role across the authority and its partners;
- Secondly, the Lead Director will offer the required leadership to ensure that a high profile is given within the local authority to planning in partnership thereby promoting strategic change for children and young people in the field;
- Thirdly, the Lead Director is responsible for ensuring that the local authority implements the United Nations' Convention on the Rights of the Child.

4.2.2 This responsibility is in addition to, but independent of any executive responsibility the Lead Director has for a specific service or a group of services that could be associated with any appropriate Director within the Senior Management Team.

4.3. Designated Managers within Every Service

4.3.1 Every Service within the Council has nominated a "Designated Manager" for dealing with safeguarding children and adults issues.

4.3.2 The Designated Managers are responsible for:

- Acting as a key source of advice and support for other staff in the Service on all safeguarding issues;
- Being familiar with Gwynedd Council's Policy and Guidelines for Safeguarding Children and Adults along with the safeguarding procedures of the All Wales Child Protection Guidelines;
- ensuring that there are effective internal procedures to deal with concerns within the Service by working closely with Social Services to achieve this;
- representing the Service on the Council's Operational Panel for Safeguarding Children and Adults;

- ensuring that the process of complying with this Policy and Guidelines is monitored by reporting regularly to the Management Team;
- attending the relevant training for “Designated Managers”.

4.3.3. Any member of staff with concerns regarding the behaviour of a colleague towards children or an adult should contact the Designated Manager within the Service immediately.

4.3.4 The Designated Managers for each Service are as follows:

Department	Contact
Education	Delyth W. Molyneux Senior Education Manager (Pupils and Inclusion) t. 01286 679552 e. DelythMolyneux@gwynedd.gov.uk
Human Resources	Geraint Owen Senior Personnel, Health, Safety and Welfare Manager t. 01286 679084 e. GeraintOwen@gwynedd.gov.uk
Finance	Dewi Morgan Senior Audit and Risk Manager t. 01286 682684 e. dewiamorgan@gwynedd.gov.uk
Democracy and Legal	Iwan Evans Legal Services Manager t. 01286 679015 e. IwanGDEvans@gwynedd.gov.uk
Economy and Community	Catrin Thomas Community and People Senior Manager t. 01286 679913 e. catrinthomas@gwynedd.gov.uk
Customer Care	Idris T. Jones Customer Contact Manager t. 01286 679896 e. IdrisThomasJones@gwynedd.gov.uk
Social Services (Adults)	Ann Lloyd Jones Senior Manager Adult Services t. 01286 679747 e. AnnLloydJones@gwynedd.gov.uk
Social Services (Children)	Marian Parry Hughes Senior Manager Children Services t. 01286 679228 e. MarianHughes@gwynedd.gov.uk
Provider, Care and Leisure Services	Gwenno Williams Senior Operational Manager t. 01286 679694 e. GwennoWilliams@gwynedd.gov.uk
Highways and Municipal	Steffan Jones Senior Manager Waste and Commissioning t. 1286 679871 e. steffanjones@gwynedd.gov.uk

Regulatory	<p>Dafydd Wyn Williams Chief Engineer – Transportation and Street Care t. 01286 679422 e. DavidWynWilliams@gwynedd.gov.uk</p> <p>Gwenan Mai Williams Public Protection Manager t. 01286 682874 e. gwenanmaiwilliams@gwynedd.gov.uk</p>
Strategic and Improvement	<p>Janet Roberts Senior Manager – Delivery and Support Service t. 01286 679873 e. JanetRoberts@gwynedd.gov.uk</p>
Housing	<p>Arwel Wyn Jones Senior Housing Manager t. 01286 682896 e. arwelwynowen@gwynedd.gov.uk</p>
Consultancy	<p>Neil Garton Jones Service Manager t. 01286 679967 e. NeilGartonJones@gwynedd.gov.uk</p>

4.3.5 The individuals should refer their concerns regarding safeguarding if allegations are made against a “Designated Manager” to the **line manager** of the Designated Manager.

4.4. All Heads of Service

4.4.1 All Heads of Service – through their Management Teams – will be jointly responsible for ensuring that all the statutory requirements in terms of safeguarding and promoting the welfare of children and adults receive due consideration. This includes the quality, content and frequency of training provided and maintaining sufficient staff training records.

4.4.2 All Heads of Service must ensure that their staff are checked through the Criminal Records Bureau and the Independent Safeguarding Authority procedures and that their staff conform to the Policy and Guidelines for Safeguarding Children and Adults. All Heads of Service must establish arrangements to ensure that they comply with the requirements of this policy and the Council’s Criminal Records Policy. All Heads of Service must arrange that records are kept of every check that is made by the Criminal Records Bureau and the Independent Safeguarding Authority.

4.4.3 All Heads of Service are expected to co-ordinate the process of preparing the Policy and Guidelines for Safeguarding Children and Adults in their Service. It is expected for this Policy to be prepared in order to highlight the Service’s arrangements for responding to issues that could arise in the safeguarding field. It will be a requirement for the Policy to fully comply with the Corporate Policy and Guidelines. Every Service Policy will be in place by July 2013.

4.4.4 It will be a requirement for every Service in the Council to report on their Safeguarding Policies and Guidelines to the Strategic Panel for Safeguarding Children and Adults.

4.4.5 The Council’s Management Group will convene all Heads of Service, Directors and the Chief Executive on a monthly basis. There will be an opportunity at these meetings for any of the Heads to refer to safeguarding issues. There will be an opportunity at the beginning of the meeting for any of the Heads to do this.

4.5. Every Contracted Line Manager

4.5.1 Every Contracted Line Manager is responsible for ensuring that the staff for which they are responsible receive the training which they need and that the training is proportionate to their responsibilities. There are guidelines regarding which members of staff should receive training and to what level and these are available from the Human Resources Service.

4.6. Every Member of Staff and Volunteers

4.6.1 Every member of staff and volunteers are responsible for undertaking their duties in a manner which safeguards and promotes the welfare of children and adults. They must also act in a way which protects them against false allegations of abuse as far as possible and in accordance with this policy. They must bring issues of concern regarding the safety and welfare of children and adults to the attention of the Designated Manager in their Service.

4.7. Contractors, Sub-contractors or Other Organisations funded by or on behalf of Gwynedd Council

4.7.1 Contractors, sub-contractors or other organisations funded by or on behalf of the Council are responsible for arranging checks through the Criminal Records Bureau and the Independent Safeguarding Authority and to ensure that their staff comply with the appropriate Policy and Guidelines for Safeguarding Children and Adults. They are also responsible for informing relevant managers of the Council about any concerns they may have and to refer to protection issues.

4.8. Detailed Guidelines

4.8.1 A copy of “Signs of Abuse” is submitted in **Appendix 1** and the “Code of Conduct and Safe Working Practices” in **Appendix 2**.

4.8.2 Also, in **Appendix 3**, a statement is attached of the Council’s commitment to train staff (and Councillors) in the field of safeguarding. **Appendix 4** also introduces detailed guidelines in relation to “Disclosure of Offences and Checking Criminal Records”.

5. ROLE OF THE ELECTED MEMBERS

5.1. Elected Members will receive the following information in the field of safeguarding:

- The Cabinet Member for Care and the Cabinet Member for Education (Lead Member for Children and Young People) will be standing members of the Strategic Panel for Safeguarding Children and Young People. This Panel will receive information regarding the working practices and procedures of every Service in the Council, providing assurance that the Services accomplish their duties in accordance with the Corporate Safeguarding Policy and Guidelines. In addition, the Panel will receive information regarding the performance management arrangements of every Service, in order to show that they are discharging their duties in a manner which safeguards children and adults.

Members of the Panel will have an important role in challenging information regarding the results of the performance management process across the services from the perspective of safeguarding children and adults. It is also the duty of Members of this Panel to ensure that effective corporate policies and procedures are developed across the organisation.

Cabinet Member and Lead Member for Children and Young People – **Cllr Sian Gwenllian**

[t. 01248 670866 e. cynghorydd.siangwenllian@gwynedd.gov.uk]

Cabinet Member for Care – **Cllr R. H. Wyn Williams**

[t. 01758 712779 e. Cynghorydd.RHywelWynWilliams@gwynedd.gov.uk]

- The Cabinet Member for Care and the Cabinet Member for Education (Lead Member for Children and Young People), will report on the work of the Strategic Panel to all Cabinet Members on an annual basis. Every Cabinet Member will receive assurance from the Cabinet Member for Care and the Cabinet Member for Education that a clear work programme is in place and that the Council's policies and procedures are robust in the safeguarding field. In addition, it must be reported that appropriate arrangements are in place to monitor the performance of every Service regarding reviewing and evaluating policies. In the Annual Report, there will also be an opportunity for both Cabinet Members serving on the Strategic Panel to highlight any obstacles or concerns they may have in terms of the response or performance of any Service in the Council.

Any lessons from Serious Case Reviews will also be identified to Cabinet Members as part of the Annual Report.

- Members of the Services Scrutiny Committee (18 Councillors) will receive information regarding the work of the Strategic Safeguarding Panel in an Annual Report. This will provide an opportunity for Members to scrutinise and challenge Members of the Strategic Panel. Members of the Scrutiny Committee will receive information regarding the work programme of the Strategic Panel, the progress against this work programme and the main messages stemming from the performance management arrangements. The first report of the Panel was submitted to the Services Scrutiny Committee on 21 February 2013. The observations of the Scrutiny Committee will steer and influence the priorities of the Strategic Panel's work programme.
- **All** Members of the Council will receive a report on the work of the Strategic Panel for Safeguarding Children and Adults – in the form of an "Annual Report", reviewing what has been achieved by the Panel, along with the priorities of the work programme for the coming year. The report will be submitted to the full Council – after receiving consideration from Cabinet Members. Every Member will receive information – by means of the annual report- on the efficiency of the Council's arrangements and procedures for safeguarding children and adults.
- It will be expected that every Councillor attends training in the field of safeguarding children and adults. A register will be kept of those attending and this will be reported as part of the performance monitoring arrangements co-ordinated by the Strategic Panel. The training will raise awareness amongst Gwynedd Councillors of this Policy and Guidelines and increase the Councillors' understanding of the safeguarding procedures which exist within the Council.

5.2. A copy of the "Good Practice Guidelines for Councillors - Safe Contact with Children and Vulnerable Adults" is in **Appendix 5**.

6. CLARITY REGARDING THE REFERRAL PROCESS

- 6.1. Any member of staff with concerns regarding the behaviour of a colleague towards children or an adult should contact the Designated Manager within the Service immediately.
- 6.2. If a Councillor (or any member of the public) has concerns regarding the safety of an individual, then the **Children Services Duty Team (Social Services) should be contacted immediately on 01758 704455** or the **Adult Services Advice and Assessment Team on 01286 682888**.
- 6.3. The **Social Services Out-of-Hours Team should be contacted on 01248 353551** if the issue arises **after 5.00pm, Monday to Friday and on weekends and Bank Holidays**.

- 6.4. The Police must be contacted immediately if the child or adult is in danger.
- 6.5. If the Designated Manager is unavailable, then the matter must be referred to the **Referral Teams (details as noted above)**. It is crucial not to delay.
- 6.6. A copy of the “Referral Procedure” is in **Appendix 6**. Also, a copy of the detailed guidelines in relation to “Dealing with Allegations of Professional Abuse” is in **Appendix 7**.

7. CORPORATE GOVERNANCE ARRANGEMENTS

7.1. Strategic Panel for Safeguarding Children and Adults

- 7.1.1 On a corporate level, the responsibility for undertaking an overview of the children and adults safeguarding arrangements has been delegated to the Strategic Panel for Safeguarding Children and Adults by the Cabinet in November 2012.
- 7.1.2 The main responsibilities of the Panel are to ensure that robust arrangements for safeguarding children and adults are in place within Gwynedd Council.
- 7.1.3 The Panel will act on a Strategic level in order to:
 - Convince relevant Lead Members (Lead Member for Children and Young People and Cabinet Member for Social Services, Health) that the Council’s procedures are robust where matters of safeguarding children and adults are in question;
 - Bring together interdepartmental work in the safeguarding field and ensure effective corporate communication;
 - Support the functions and duties of the Statutory Director within the Council;
 - Resolve any possible barriers that could prevent having effective and successful procedures in place;
 - Receive and consider information about trends in relation to allegations of professional abuse, and adopt action plans to respond should the need arise;
 - Receive and challenge information about the progress against work programmes commissioned (priority will be given in the short-term to the work programme to respond to the Pembrokeshire joint-review report);
 - Consider and understand the implications of Serious Case Reviews and ensure that the Council responds effectively to recommendations within such reviews;
 - Accept and challenge the Annual Report of the Statutory Director;
 - Approve the Policy and Guidelines for Safeguarding of every Service in the Council.
- 7.1.4 The Panel has a key role to play in ensuring that every Service undertakes its duties in accordance with the Council’s Safeguarding Policy and Guidelines. The Panel also ensures that every Service has a performance management system in place to show that they are undertaking their functions in a manner which safeguards children and adults.
- 7.1.5 The Panel meets on a bi-monthly basis. A copy of the Panel’s terms of reference is in **Appendix 8**.
- 7.1.6 A commitment has been established to ensure that the Cabinet and the full Council receives an annual report from this Panel. In addition, the Corporate Management Team receives regular reports from the Panel. This provides assurance to the Chief Executive that safeguarding is receiving its due attention within the Council.

7.2. Operational Panel for Safeguarding Children and Adults

- 7.2.1 The Operational Panel is accountable to the Strategic Panel for Safeguarding Children and Adults and acts in accordance with the guidance and requirements of that Panel. The Operational Panel submits reports regarding the progress against various project plans to the Strategic Panel on a regular basis, and draws attention to any obstacles which may affect its work.
- 7.2.2 The Membership of the Operational Panel includes Designated Managers for the field of safeguarding children and adults in every Service within the Council. The Panel is a key method of ensuring that the Designated Managers collaborate and share information across the Council. They also deal with identifying any gaps in the Council’s procedures in the safeguarding field along with submitting recommendations to the Strategic Panel regarding updating or amending the Council’s Policy in this field.
- 7.2.3 Another important role for the Operational Panel is to monitor performance across the services from the perspective of safeguarding children and adults. The Panel reports twice a year to the Strategic Panel to this end, highlighting any concerns or obstacles clearly.

7.3. Gwynedd Council’s Services Scrutiny Committee

- 7.3.1 The Council’s Services Scrutiny Committee has committed to convene specific meetings of the Committee on an annual basis to scrutinise and challenge the work and performance of the Strategic Panel for Safeguarding Children and Adults. It is considered that this is crucial so that Committee Members gain experience and understanding in the field and become completely aware of the breadth and depth of the Panel’s work and the corporate arrangements.

7.4. The Council's Strategic Plan 2013 - 2017

- 7.4.1 The Council is in the process of preparing the Four Year Strategic Plan. The purpose of this Plan is to establish the strategic direction for the Council’s work over the years to come and to identify clear priorities and strategic plans which will respond to these priorities.
- 7.4.2 There is already a commitment that the field of safeguarding children and adults will be a specific priority in the Strategic Plan. Realising the Strategic Plans in this field will strengthen the Council’s arrangements in the safeguarding field and will fully respond to some of the messages stemming from CSSIW and Estyn Inspections. The Strategic Panel for Safeguarding Children and Adults will monitor the performance of Services in implements the Strategic Plans.

8. REPORTING, MONITORING AND REVIEWING

- 8.1. The Strategic Panel for Safeguarding Children and Adults (in light of the evidence and information that is received from the Operational Panel) will publish an Annual Report. This Annual Report will draw attention to the Council’s performance in complying with the Corporate Policy and Guidelines. The Annual Report will be submitted to the Corporate Management Team, the Cabinet and to the full Council. In addition, the Safeguarding Panel will report to the Gwynedd and Anglesey Local Safeguarding Children Board.
- 8.2. It is proposed to submit the Annual Report every June. Specific attention will be given to the following Performance Indicators:

POVA referrals completed in the period
child protection referrals in the period
% of staff commencing in post with two references and a CRB check
% of staff receiving safeguarding training as they receive induction
% of Child referrals during the year where a decision is made within one working day (SCC/006)
% of initial assessments completed during the year with evidence that a Social Worker has seen the child

(SCC/011a)

% of child protection reviews held within the statutory timetable during the year (SCC/034)

% of initial assessments completed within 7 working days (SCC/042a)

% of adult clients with a care plan on 31 March whose care plans should have been reviewed that were reviewed during the year (SCA/007)

% of Councillors attending safeguarding training

% of adult protection referrals completed during the year, the percentage where the danger has been controlled (SCA/019)

% of risk assessments submitted to a Case Conference which were considered as exhibiting quality in decision-making (Safeguarding 2)

% of referrals re-referred within 12 months (Safeguarding 3)

- 8.3. The Strategic Panel for Safeguarding Children and Adults will receive a quarterly report noting the performance of indicators dealing with the safeguarding field. In addition, the Local Safeguarding Children Board will receive a copy of the performance report. Any concerns regarding underperformance will be reported directly to the Statutory Director and the appropriate Head of Service and a clear action plan will be required in order to respond to the concerns.
- 8.4. It is planned to ensure the independent validity of the performance reports in order to give credibility to the process.
- 8.5. Several methods will be used to monitor the understanding of and compliance with the procedures, e.g. inspections, one-to-one, annual service reviews, a quarterly corporate monitoring process, staff feedback, regular and ad-hoc checks.
- 8.6. This Safeguarding Policy will be reviewed annually or if any amendments occur in legislation or in consideration of changes in working practices which may stem from incidents or allegations.
- 8.7. Further details are included in **Appendix 9** regarding the method the Council will use to measure effect and monitor.

Appendices

Appendix 1 – Signs of Abuse

Appendix 2 – Code of Conduct and Safe Working Practices

Appendix 3 – Safeguarding Training

Appendix 4 – Disclosure of Offences and Checking Criminal Records

Appendix 5 – Good Practice Guidelines for Councillors: Safe Contact with Children and Vulnerable Adults

Appendix 6 – The Referral Process

Appendix 7 – Dealing with Allegations of Professional Abuse

Appendix 8 – Strategic Panel for Safeguarding Children and Adults Terms of Reference

Appendix 9 – Measuring Effect and Monitoring



APPENDIX I

Signs of Abuse

SIGNS OF ABUSE

I. SIGNS OF ABUSE

I.1. The basic principles which form the corner-stone of working with children and young people are found in the Children Act 1989 and 2004 and in the United Nations' Convention on the Rights of the Child which was adopted by Gwynedd Council in 2007 and the following seven core aims ensures that every child:

- Receives a good start in life;
- Receives a comprehensive variety of educational and learning opportunities;
- Enjoys the best possible health, free from abuse, persecution and exploitation;
- Has access to play, leisure, sports and cultural activities;
- Is listened to, treated with respect and that their race and cultural identity are recognised;
- Lives in a safe home and a community that supports their physical and emotional wellbeing;
- Is not disadvantaged because of poverty.

I.2. Anyone can abuse or neglect a child or an adult by causing harm or by failing to take action to prevent harm. Children or adults can be abused within their family or in an organisation or community situation by someone they know or by a stranger or on the internet. They can be abused by another adult or adults or by another child or children.

I.3. Physical Abuse

I.3.1 Physical abuse may include hitting, shaking, throwing, poisoning, burning or scalding, drowning, suffocating or causing another type of physical harm to a child or vulnerable adult.

I.3.2 Physical abuse can also be caused when a parent or carer fakes symptoms or deliberately causes a child or adult to become ill.

I.4. Emotional Abuse

I.4.1 Emotional abuse is the long-term emotional abuse of a child until it causes serious and permanent effects on the emotional development of the child. It may involve conveying the idea to a child that he/she is worthless or unloved, that he / she is inadequate or has only a value to the extent that satisfies the needs of another person. It can include setting expectations that are inappropriate to the age and development of the child. It can include seeing or hearing someone else being abused through domestic abuse or through bullying. It can lead very often to children feeling afraid or in danger or exploited or corrupted. An element of emotional abuse exists in every type of abuse although it could exist on its own.

I.4.2 In the context of adults, emotional abuse includes causing deliberate worry by an individual whom they are expected to be able to trust and it may include humiliation, verbal abuse, threats and depriving the individual of respect and dignity.

I.5. Sexual Abuse

I.5.1 Sexual abuse means forcing or grooming a child or adult to participate in sexual acts, whether the child or adult is aware of what is happening or not. The sexual acts may include physical touching, including acts of penetrating the body of the child or the adult or non-penetrating acts.

1.5.2 It could also include activities where there is no contact, such as including children or adults in the process of looking at or producing sexual images, watching sexual acts or encouraging children and adults to behave in inappropriate sexual ways or to groom a child or adult for the purpose of abuse (including through the internet).

1.6. Neglect

1.6.1 Neglect is a constant failure to satisfy the basic physical and / or psychological needs of a child which is likely to lead to a serious impairment of the child's health or development. It may mean a parent's failure to provide sufficient food, shelter or clothes; failure to protect a child from physical harm or danger, or a failure to ensure access to appropriate care or medical treatment.

1.6.2 Neglect may happen also during pregnancy when a pregnant mother is misusing substances.

1.6.3 In the context of adults, neglect is the failure by any individual with responsibility for care, or who is the carer of a vulnerable adult, to provide the level of care that would be reasonable for them to provide. It includes both intentional and non-intentional actions.

1.7. Organisational Abuse

1.7.1 Organisational abuse affects more than one individual and when service managers do not give it due consideration. The abuse may be caused by:

- A health worker, social care worker or another;
- An employed carer or a volunteer;
- A relation, friend or neighbour;
- Another resident;
- An occasional visitor or service provider;
- Someone who deliberately exploits children or adults.

1.8. Financial Abuse

1.8.1 Adults may be open to financial abuse which includes intentional misuse of money or faking legal or civil rights of individuals including using money or property inappropriately. This could include:-

- Keeping a pension book or property;
- Not allowing or refusing access for the individual to his/her own money;
- Mismanagement of bank accounts;
- Not spending allowances on the individual;
- Misuse of benefits;
- Theft of money or property;
- Pressurising an individual to change his/her will.

2. INDICATORS OF ABUSE

2.1. Some of the most obvious signs of abuse or bullying of a child or adult may include:

- Unavoidable or suspicious injuries, such as bruises, cuts, burns, especially if they are on a part of the body that would not usually receive such injuries;
- The explanation for the injury will appear inconsistent;
- The child or adult describes what appears to be an action which is abuse;
- Someone else (a child or an adult) expressing concern regarding the child/ adult's welfare;

- Changes in behaviour which cannot be explained (e.g. becoming very quiet, reticent, or having sudden explosions of temper);
- Inappropriate sexual awareness;
- Specific sexual behaviour;
- Lack of trust in adults, especially those who would be expected to have a close relationship with them;
- Difficulty in making friends;
- Prevented from socialising with others;
- Variation in eating patterns including overeating or loss of appetite;
- Weight loss without any obvious reason;
- Becoming increasingly untidy and dirty;
- Parents or carers not satisfying essential basic needs, e.g. sufficient food, clothes, warmth, cleanliness and medical care.
- Remember if a child appears quiet, perhaps there is a reasonable explanation. Perhaps he / she has had an experience that has caused worry, such as parents separating, a divorce or a bereavement.

2.2. It is not the responsibility of staff to decide which abuse is taking place but they have a responsibility to act on any concerns by informing the Designated Safeguarding Officer within their department or service.



APPENDIX 2

Code of Conduct and Safe Working Practices

CODE OF CONDUCT AND SAFE WORKING PRACTICES

1. This code of conduct is a statement and is a description of the professional standards of practice that are required from all Council staff when undertaking their day-to-day duties.
2. The code of conduct intends to reflect current practice and it is expected that employees can identify the following standards as those which they aim to emulate daily.
3. It is anticipated that this code of conduct provides a better understanding for members of the public using Council services of what is expected of the Council's staff and the manner in which the employer supports its staff to undertake work effectively and respectfully of the needs of individuals.
4. Every member of staff should give a good example in terms of behaviour to ensure that children and adults are protected and safeguarded. The following guidelines provide details of examples of good practice which must be used, along with specific codes of conduct (e.g. Gwynedd Council's codes of conduct), which could be relevant to roles, activities or specific events.
 - You should be open for the public to always scrutinise you when working with children and adults and you should avoid situations where a Councillor, member of staff, volunteer or service provider is with a child or children or vulnerable adult alone without anyone else to observe him or her;
 - You should follow the required process for reporting incidents, e.g. an incident of health and safety importance;
 - Children and adults have a right to privacy, equality, respect and dignity and a safe and positive environment;
 - Councillors, staff, volunteers and contracted service providers must give priority to the welfare and safety of the child or adult before performance development;
 - If a child or adult arrives at an activity or service exhibiting signs or symptoms which cause you concern, you must act appropriately and follow the procedures outlined in the policy;
 - Be aware of the need to ensure safe practices when meeting children and adults.

YOU SHOULD

- Work in accordance with this safeguarding policy. If in doubt, contact the Designated Safeguarding Manager in your Department;
- Work in an open environment (e.g. you should avoid private situations or those which cannot be observed and encourage an open environment, i.e. no secrets);
- Treat every child and adult fairly with respect and dignity;
- Put the welfare of each child and adult first;
- Ensure a safe and appropriate distance with participants (e.g. it is not appropriate to have a close relationship with a child or an adult);
- Create an equal relationship based on joint-trust which empowers children and adults to share in the decision making process;
- Get the most current information about training and safeguarding issues;
- Be an excellent example – this includes not smoking, drinking alcohol or swearing in the company of children and adults;
- Make sure that photographic or filming equipment is used appropriately and a parent or carer of the participants have given their permission;
- Keep a record in writing of any injury which is sustained, along with any treatment administered in accordance with Council policy;

YOU SHOULD NOT

- Touch or allow inappropriate touching in any way, use force or inappropriate language or make suggestive sexual comments;
 - Make a child cry as a means of controlling him / her, or use any behaviour control techniques not authorised by the Council's policy and procedures;
 - Ignore allegations made by a child or adult;
 - Undertake tasks of a personal nature for children or adults which they could do for themselves;
 - Invite or permit children or an adult to come to your home where they will be alone with you;
 - Enter areas that have been specifically set-aside for the other sex;
 - Use the internet, an electronic device or a phone to access child pornography sites;
5. An employee who breaches any condition of the above code of conduct will face an investigation and could face disciplinary steps which could lead to dismissal and the possibility of a criminal investigation if there is evidence of illegal activity.
6. Volunteer services that breach the code of conduct will be suspended immediately. If there is evidence of illegal activity, the name of the volunteer will be drawn to the attention of the relevant authorities and he /she could face a criminal investigation.



APPENDIX 3

Training on Safeguarding

TRAINING ON SAFEGUARDING

I. STATEMENT OF COMMITMENT

- 1.1. Gwynedd Council is committed to ensuring that all staff who work with children and young people undertake appropriate General Safeguarding awareness training.
- 1.2. Every member of staff who works with children and young people should have information on safeguarding issues, in order to ensure that our children and young people workforce:
 - is aware of the principles of safeguarding;
 - can identify the need to refer;
 - knows how to deal with individual cases.
- 1.3. Priority is given in the Staff and Councillors training programme to develop an understanding of the Council's Policy and Guidelines for Safeguarding Children and Adults.

2. CONTENT OF THE TRAINING

- 2.1. Every member of staff working with children and young people should have information on safeguarding issues. The training will make workers aware of the definition of the four types of abuse, the main signs and indicators, staff implications and their personal responsibility to safeguard children, and the procedures to follow should any worker have any concerns.
- 2.2. There will be a need to refer to:
 - The All Wales Child Protection Guidelines;
 - Associated policies;
 - The Gwynedd Children Services Referral Form; and
 - The function of the Gwynedd/Regional Local Safeguarding Children Board.

3. LEARNING OBJECTIVES

By receiving the training, attendees will be able to:

- Challenge myths and stereotypes associated with child abuse and the process of safeguarding children;
- Ensure that the child's voice and rights are the principal consideration.

Attendees will also:

Legislation, policies and procedures:

- Be aware of the legislation and the local and national policies which relate to safeguarding;
- Understand local and institutional policies and procedures which relate to safeguarding individuals who receive care from you (children), and how these are to be implemented in their work.

Understand and identify different types of abuse:

- Be able to note the main categories for abuse and neglect, and be able to identify the usual signs and symptoms associated with these;
- Understand that individuals have the right to be safeguarded from abuse and neglect;
- Understand that they need to ensure that their own actions or behaviour do not have a harmful effect on the individual in their care;

Understand how to respond to suspicions of abuse or neglect:

- Understand that they must report at once any suspicions of abuse or neglect, and know how and when they should inform the appropriate individual of these;
- Know how important it is to continue to voice concerns if they are not addressed after you have reported them, and how to do this;
- Understand the limitations of confidentiality and when to share information.

4. PROVIDING THE TRAINING

4.1. The General Safeguarding awareness training (known formerly as Level 1 / Basic training) will be provided:

- As part of an induction programme through the Corporate Learning and Development Programme;
- Current staff who have not received the training will need to undertake the General Safeguarding awareness training;
- Staff will need to undertake Safeguarding refresher training on the appropriate level every three years [*note that some staff will require this training at more frequent intervals than three years*].

Note: It is also intended to raise awareness amongst all members of staff who have not been identified as having direct/indirect contact with children. (This is in addition to the current provision).

5. TARGETING THE TRAINING

- Every member of staff who has direct/indirect contact with children is required to follow the General Safeguarding training on safeguarding children.
- The training is compulsory and should be attended within 12 months of starting in post.
- As a priority, all posts requiring General Safeguarding awareness training and who start in those posts for the first time in the Council's employment will be targeted from April 2013 onwards.
- Definite steps are in place to identify those staff members who have not received the appropriate training, in order to target and introduce the training/programme.

6. METHOD OF DELIVERING THE TRAINING

- A formal face-to-face training session (1/2 day) or through e-learning;
- It is anticipated that the e-learning format may be more suitable for staff who do not have direct contact with children and young people, but who need to be aware of their responsibilities e.g. administrators;
- Following completion of an e-learning module, the member of staff will be required to hold a confirmation session with the Manager to ensure understanding of their responsibilities. A further formal face-to-face training session may be attended if this is felt necessary. Managers have a responsibility to ensure their staff's understanding of the field;
- It is suggested that every service considers holding staff refresher sessions on the field following completion of a formal face-to-face training session or an e-learning module e.g. Team Meetings.

7. MEASURING THE IMPACT OF THE TRAINING

7.1. The Council's Services will develop a 'Measuring Impact Programme' as part of the 'Project Plan – Gwynedd Council's Response to the Pembrokeshire Joint Review Report'.

7.2. Impact can also be measured through:

- Evaluation Forms for the training – completed by attendees;
- The Council's Procedure i.e. Staff Appraisal Scheme/Supervision Policy.

7.3. The impact will be reviewed by the Project Group, and changes recommended to the training in light of the experience/feedback of the managers/attendees of the training if required.

8. TIMETABLE

- General and Advanced level Safeguarding training is already taking place within services on a face-to-face level, and the 'Edu-care' module;
- Some sessions in cooperation with the Anglesey and Gwynedd Safeguarding Children Board have also been held for senior managers;
- The Education Department will continue to use the 'Edu-care' e-learning module for staff where this method of delivery is appropriate;
- Introduce the training/programme by May 2013;
- A corporate e-learning module is currently being developed by the Learning and Development Service.

8.1 The aim of the new procedure is to reconcile arrangements for the General Safeguarding awareness training across the Council.

8.2 A series of workshops for Managers has already been held in order to introduce the basic principles of safe recruitment, and a further series of workshops will be held later on in the year.

8.3 Safeguarding training has also been included in the 2013-14 development programme for Elected Members.



APPENDIX 4

Disclosure of Offences and Criminal Records Check

DISCLOSURE OF OFFENCES AND CRIMINAL RECORDS CHECK

1.0 POLICY

- 1.1 It is Gwynedd Council's policy to appoint the best person for each vacant post. Applicants from all backgrounds, including those with a background of convictions, will be considered. A criminal record will not be considered during the recruitment process unless the offence is relevant to the post for which the application has been submitted.
- 1.2 Every person who is interviewed for any post or engaged by the Council on a temporary basis will be asked to disclose details of all unspent convictions which they have, including those awaiting judgement, other than minor motoring offences. In addition, for those posts exempt under the Rehabilitation of Offenders (Exceptions) Order 1975 every person who is interviewed for any post or engaged by the Council on a temporary basis will be asked to disclose details of spent convictions (see paragraph 1.3).
- 1.3 The Council will make a thorough risk assessment of vacant posts in order to decide whether they are exempt under the Rehabilitation of Offenders (Exceptions) Order 1975. A Disclosure from the Disclosure and Barring Service (DBS) is required in order to undertake regulated activity.

Regulated activity relating to children is a term which is defined in law and used to describe an activity which involves working with children, whether this is in a paid or unpaid capacity.

In general terms, regulated activity relating to children comprises of:

- Unsupervised activities: teach, train, instruct, care for or supervise children, provide advice / guidance on well-being, or drive a vehicle for children
- Work for a limited range of establishments ('specified places') with opportunity for contact: e.g. schools, children's homes, childcare premises.

It should be noted that work under either of the above is regulated activity only if done regularly [see Appendix 2]. Statutory guidance for when tasks can be undertaken under supervision is available from the Department for Education website.

www.education.gov.uk/childrenandyoungpeople/safeguardingchildren/a00209802/disclosure-barring

- Relevant personal care, e.g. washing or dressing; or health care by or supervised by a professional.
- Registered childminding and foster-carers.
- Moderating online forums or chat rooms provided mainly for children where the person has access to the content and contact with users of the service.

Any person 18 years of age or over can be a vulnerable adult. The definition no longer labels certain adults as 'vulnerable adults.'

This means that the focus is on the activities required by an adult and not on the setting in which the activity is received, not on the personal characteristics or circumstances of the adult receiving the activities.

Providing health care (any health care professional providing health care to an adult or any person providing health care under the direction or supervision of a health care professional)

Providing personal care - anyone who:

- Provides physical assistance with eating or drinking, going to the toilet, washing or bathing, dressing, oral care or care of the skin, hair or nails because of the adult's age, illness or disability.
- Prompts and then supervises an adult who, because of their age, illness or disability, cannot make the decision to eat or drink, go to the toilet, wash or bathe, get dressed or care for their mouth, skin, hair or nails; without that prompting or supervision
- Trains, instructs or offers advice or guidance which related to eating or drinking, going to the toilet, washing or bathing, dressing, oral care or care of the skin, hair or nails to adults who need it because of their age, illness or disability
- Providing social work (the provision by a social care worker of social work): assistance with cash, bills and/or shopping
- Assistance in the conduct of a person's own affairs.
- Conveying an adult because of their age, illness or disability either to or from their place of residence and a place where they have received, or will be receiving, health, personal care or social care; or between places where they have received or will be receiving health care, personal care or social care. This does not include family, friends.

If you are in any doubt whether a specific post is a regulated activity and therefore requires an Enhanced CRB contact the Human Resources Dept for further advice.

Regulated activity is work that a barred person must not do.

Criminal records and barring list checks are only one part of safe recruitment. Gwynedd Council takes responsibility for safe recruitment and ongoing management of staff and volunteers, including requesting criminal records checks if the applicant (or position) is eligible and the organisation deems these necessary based on each person's role and responsibilities.

The Council will pay the requisite Disclosure application fee for applicants who are offered posts undertaking such work or work defined as regulated activity.

Successful applicants for exempt posts will be appointed subject to the receipt of a satisfactory Disclosure and, where appropriate, necessary supervisory arrangements of the applicant will be made if employment commences prior to the Disclosure being received. However, the Council will limit the period in respect of receiving a satisfactory Disclosure to two months from the date that the individual commences in post.

- I.4 All staff that are involved in the recruitment and appointment process will be suitably trained to identify and assess the relevance and circumstances of offences and to be aware of the issues involved in the employment of ex-offenders
- I.5 Appointing panels, in consultation with the Head of Human Resources or his representative, will assess a number of factors in relation to the nature of offences and the post before making a decision regarding appointment.
- I.6 As a registered body with the DBS, Gwynedd Council is committed to the DBS's Code of Practice and will ensure that all applicants are treated fairly and consistently at all times. Gwynedd Council is also committed to the DBS's Code of Practice for storing and destroying Disclosures and information that derives from them.
- I.7 Gwynedd Council will act as an Umbrella Body for individuals or organisations which have, through the nature of their activities, connections to the Council.

- 1.8 Information obtained on convictions will be used as part of the recruitment selection process only and will not be used for any other purpose. Other than in exceptional circumstances, all conviction information will be kept for a maximum of six months following which it will be destroyed.
- 1.9 However, the Care and Social Services Inspectorate Wales notes the requirement to keep disclosures of criminal offences for those individuals undertaking regulated activity with children and adults for a period of 12 months prior to being destroyed and the Council is committed to conform with this requirement.
- 1.10 The frequency for renewal of DBS checks for some positions is laid down by statute e.g. regulations emanating from the Care Standards Act 2000 set a minimum frequency of every 3 years. Gwynedd Council is committed to conduct a renewal of DBS checks every 3 years for all staff undertaking regulated activity and those who are subject to an enhanced criminal record check without a barred list check. This provision will also apply to any Agency staff or volunteers conducting any such activity on behalf of the Council.
- 1.11 References will be requested for consideration at every interview. External applicants will be required to name two referees and one should be the most recent employer whilst internal applicants need to name one senior manager only. However, if, as a consequence of being appointed to the first post as an external candidate, two referee reports do not appear on the member of staff's personal file, then he/she will be required to name two referees on the next occasion he/she applies for a post as an internal candidate.

Unless references are received prior to interview, the final confirmation of the appointment will be subject to receipt of the necessary satisfactory referee responses. The Council will allow an individual to commence in the post in a situation where the references have not been received but the period for receipt of those will be limited to two months following commencement in the post.

2.0 RESPONSIBILITIES

Head of Human Resources

- Ensure that the procedures are carried out in accordance with this policy and the Disclosure and Barring Service's Code of Practice;
- Be the Lead Signatory for the Disclosure and Barring Service Application procedure;
- Be responsible for the review of this policy and procedure.

Applicant

- Provide all conviction information appropriate to the post applied for by completion of the relevant part of the Job Application Form;
- Provide a complete Disclosure Application Form and supporting documentation as requested where appropriate.

Line Manager

- Decide whether the post is exempt under the Rehabilitation of Offenders (Exceptions) Order 1975;
- Specify the category code of the post if it is exempted and the level of Disclosure required on the relevant form;
- Ensure that persons appointed on condition that a satisfactory Disclosure is received are appropriately supervised until the appointment has been confirmed.

Personnel Service

- Ensure that the procedures are carried out in accordance with this policy and the Disclosure and Barring Service’s Code of Practice;
- Confirm, where appropriate, that the post is exempt under the Rehabilitation of Offenders (Exceptions) Order 1975 and that the category code and level of Disclosure required are appropriate;
- Ensure that all recruitment advertisements and paperwork contain the relevant information regarding the employment of people with convictions;
- Ensure that all applicants receive sufficient information regarding the employment of people with convictions including a copy of this policy and procedure;
- Ensure that the members of appointing panels have received the appropriate training for appointing people with convictions;
- Ensure that all relevant offences information is available for the appointing panel to make the appropriate appointment decisions;
- Provide advice to the appointing panel regarding convictions and their relevance to the appointment;
- Ensure that, where appropriate, offers of appointment contain the relevant conditions of employment regarding receipt of satisfactory Disclosures;
- Ensure that offers of employment are confirmed following receipt of a satisfactory Disclosure with a copy to the Line Manager;
- Ensure that conviction information is kept in accordance with this policy, the Data Protection Act 1998 and, where appropriate, the DBS’s Code of Practice.

Appointing Panel

- Make appointment decisions based on an analysis of the conviction information available and its relevance to the post;
- Ensure that the Disclosure Application form for the successful candidate is completed and signed by an appropriate registered Counter signatory;
- Discuss appointment decisions made on conviction information with the applicant.

Counter Signatory

- Ensure, where appropriate, the correct completion of DBS Application Forms;
- Ensure that Disclosures, when received, are used in accordance with the DBS’s Code of Practice.

3.0 PROCEDURE

3.1 Disclosure of Offences

- 3.1.1 Under the Rehabilitation of Offenders Act 1974 (ROA) a conviction becomes spent after a certain period (the rehabilitation period - see Appendix 1). Warnings, including final warnings and cautions are considered spent as soon as they are received. Although it is legitimate for an employer to ask about previous convictions, the applicant does not have to disclose any that are spent. Every person who is interviewed for any post or engaged by the Council on a temporary basis will be asked to disclose details of all unspent convictions which they have and those awaiting judgement by completing and signing the relevant section of the Council’s application form. (The Rehabilitation of Offenders (Exceptions) Order 1975 lists certain occupations where, due to their nature, the provisions of the ROA do not apply - see paragraph 3.2).

3.1.2 It will not be necessary to disclose minor motoring offences other than:

- causing death by reckless driving;
- reckless driving;
- driving or attempting to drive, or being in charge of a vehicle whilst under the influence of drink or drugs and failing to provide a specimen to determine fitness to drive.

3.1.3 The completed Disclosure of Offences section of the application form containing details of unspent convictions will held on the personal file of the successful applicant for the period of six months following which it will be destroyed. Application forms for unsuccessful candidates will be destroyed within six months of the post in question being filled.

3.2 Exempted Posts, Disclosures and the Disclosure and Barring Service (DBS)

3.2.1 The law does not recognise that convictions, cautions and final warnings are spent for posts that are exempt under the Rehabilitation of Offenders Act 1974. Applicants for these posts will be asked to give details of all offences, cautions and warnings including dates when they became spent. These exempted posts are listed in the Rehabilitation of Offenders (Exceptions) Order 1975. Examples of the type of post within Gwynedd Council that are exempt are:

- posts in childrens' homes;
- posts whose normal duties include caring for, training, supervising or being in sole charge of children;
- posts whose normal duties involve unsupervised contact with children;
- posts whose normal duties include supervising or managing any of the posts listed above;
- posts regularly caring for, training, supervising or in sole charge of regulated activity involving adults. This includes staff in care homes, staff providing personal care or support in the clients' homes, social care services or staff in establishments catering for persons with learning difficulties.

This list is for illustrative purposes only. Further advice on exempt posts can be obtained from the Personnel Service or the Disclosure and Barring Service.

3.2.2 Line Managers of vacant posts will make a thorough risk assessment of their duties and responsibilities in order to decide whether they are exempt and will therefore require a satisfactory Disclosure from the DBS before confirming the appointment. If they decide that they are exempt they will specify the category code for the post and whether it requires a Standard or Enhanced disclosure on the Application for Advertising a Post form (PEN1). The Personnel Service will confirm this information. Note: It is a criminal offence to ask for details of unspent convictions (either through the Disclosure process or other means) for posts other than those listed in the Rehabilitation of Offenders (Exceptions) Order 1975.

3.2.3 Applicants for exempt posts will made aware of this through the post advertisement and invitations to interview which will contain a statement to the effect that a Disclosure will need to be applied for by the successful applicant

3.2.4 The successful applicant will be required to complete a Disclosure application as soon as possible following the offer of employment and will be appointed subject to the receipt of a satisfactory Disclosure. When practical, necessary supervisory arrangements will be made In order to enable the employment to commence prior to a satisfactory Disclosure being received. However, the Council will limit the period in respect of receiving a satisfactory Disclosure to two months from the date that the individual commences in post.

- 3.2.5 Disclosure information will not be kept on an individual's personal file but will be kept separately with access strictly controlled. Photocopies will not be made of Disclosures and they will not be kept for any longer than six months after the date of the appointment or other relevant decision, or following the date that a dispute concerning the correctness of information in Disclosures is made. In exceptional circumstances only they will be kept for more than six months and the Council will contact the DBS before doing this. When this period comes to an end the Disclosures will be destroyed by the use of a shredder. However, a record of the date of the Disclosure, the name of the subject, the type of Disclosure, the position for which the Disclosure was requested, the unique reference number of the Disclosure and the details of the recruitment decision taken will be kept.
- 3.2.6 A fresh application for a Disclosure will need to be made on each occasion for all exempted posts except in certain circumstances as allowed by the DBS's portability guidance. Further details of these circumstances can be obtained from the Personnel Service or the Disclosure and Barring Service.

3.3 Applicants with Convictions

- 3.3.1 Appointing Panels are advised not to take any consideration of minor offences declared on the Disclosure of Offences form which, for example, deals with matters of principle and conscience, but, if any difficulty arises, the advice of the Head of Human Resources and the Council's Monitoring Officer will be sought. If it needs to be discussed further, it will be brought before the relevant Cabinet Member and the Cabinet Member responsible for staffing matters.
- 3.3.2 Appointment decisions based on information given in the Disclosure of Offences section of the Application Form and/or the Disclosure will be discussed by the Appointing Panel with the applicant.
- 3.3.3 In instances when the information given in the Disclosure contradicts the information given on the Disclosure of Offences form, the Head of Human Resources or his representative will discuss this with the applicant.
- 3.3.4 If the applicant disagrees with the information in the Disclosure, he has the right to appeal to the DBS through its dispute procedure.

3.4 Security

- 3.4.1 All documentation will be kept according to the principles of the Data Protection Act 1998 and will be stored for the periods of time noted in the policy.
- 3.4.2 Gwynedd Council is committed to the DBS's Code of Practice for storing and destroying Disclosures and information that derives from them. Disclosure information:
- will not be kept on an individual's personal file but will be kept separately with access strictly controlled;
 - will not be photocopied;
 - will only be available to those who are authorised to receive it by virtue of their post in accordance with the Police Act 1997. A record will be kept of who have seen the Disclosures or information arising from them. If information is passed to any unauthorised person, this will be considered a criminal offence.
- 3.4.3 When acting as an Umbrella Body for other organisations the Council will take all reasonable steps to ensure that these organisations fully comply with the DBS Code of Practice. This includes the handling, use, storage and disposal of Disclosure information and they will be asked for a written copy of their policies on employing people with convictions and, where appropriate, security of Disclosure information.

Relevant Legislation:

- Rehabilitation of Offenders Act 1974
- Rehabilitation of Offenders (Exceptions) Order 1975
- Police Act 1997
- Data Protection Act 1998
- Care Standards Act 2000
- Safeguarding Vulnerable Groups Act 2006
- Protection of Freedoms Act 2012

APPENDIX I

CONVICTION REHABILITATION PERIODS

TYPE OF SENTENCE	REHABILITATION PERIOD
Imprisonment, detention in a young offenders' institution or youth custody or corrective training for between 6 months and 30 months	10 years
Imprisonment detention in a young offenders' institution or youth custody for 6 months or less	7 years
Conditional discharge, bind over	The longer of 1 year or whenever the order ceases to have effect
Unconditional discharge	6 months
Probation Order	5 years (if under 18, the longer of 2½ years or when the order ceases to have effect)
A fine	5 years

(Unless specified otherwise, where an individual is aged under 18 at the date of the conviction, the rehabilitation period is halved)

APPENDIX 2

DEFINITION OF FREQUENCY, INTENSIVE & OVERNIGHT

Frequent	– This is defined as once a week or more but in health and personal care services, frequent is once a month or more.
Intensive	– This is defined as four days or more in a single month.
Overnight	– This is defined as specified activity that is undertaken with a vulnerable group between 2 a.m. and 6 a.m.



APPENDIX 5

Good Practice Guidelines for Councillors: Safe Contact with Children and Vulnerable Adults

GOOD PRACTICE GUIDELINES FOR COUNCILLORS - SAFE CONTACT WITH CHILDREN AND VULNERABLE ADULTS

1. These guidelines are a statement and description of the standards of conduct expected from all members of the Council when having contact with children or vulnerable adults* in their office as a Councillor.
2. The guidelines are supplementary to, and do not replace, the Members' Code of Conduct. The Members Code of Conduct remains relevant whenever a member acts in his/her role as elected member, and also at any time in relation to not bringing the office or the Council into disrepute.
3. Some of the requirements of the Code are:
 - To show respect to others and be mindful of them;
 - To address equal opportunity for everyone, regardless of their gender, race, disability, sexual orientation, age or religion;
 - Not to disclose confidential information without consent;
 - Not to behave in a manner which would bring your office or the Council into disrepute;
 - To report any behaviour likely to be criminal by another member or employee to the appropriate authority;
 - Not to use your position inappropriately to cause someone advantage or disadvantage.
4. Members may come into contact with children and vulnerable adults through their position on a committee or working group, or through their role as local member. They may also come into contact with them when representing the Council on external bodies or taking part in events arranged by the Council. Every member of the Council has a corporate parent responsibility for looked after children, and every member also has a responsibility to follow good practice for safeguarding children and vulnerable adults.
5. The aim of these guidelines is to reflect current practice and it is expected that members identify the following standards as those which they aim to reach daily.
6. It is expected that these guidelines give a better understanding to members of the public of what is expected by councillors when they come into contact with them.
7. Every councillor should give a good example in terms of behaviour to ensure that children and vulnerable adults are protected and safeguarded. The guidelines below give details of examples of good practice that must be used.

YOU SHOULD

- Become familiar with the Council's safeguarding policies and guidelines and the current procedures for reporting incidents etc.;
- Attend training on safeguarding children and vulnerable adults;
- Follow a recognised process for reporting incidents, e.g. an incident of health and safety importance;
- Be open to public scrutiny at all times when working with children and young people, and try and avoid situations where you are alone with a child or children or vulnerable adult, with nobody to observe you;
- Respect children and adults' right to privacy, equality, respect and dignity and a safe and positive environment;
- Place the child or adult's welfare and safety above other considerations;
- Create an equal relationship based on trust which empowers children and adults to share in the decision-making process;
- Be an excellent example for children and vulnerable adults.

YOU SHOULD NOT

- Touch or allow inappropriate touching in any way, use force or inappropriate language or make suggestive sexual comments;
- Ignore allegations made by a child or vulnerable adult;
- Invite or allow children or a vulnerable adult to come to your home where they will be alone with you;
- Enter areas in the Council's buildings that have been specifically allocated for the opposite sex;
- Use the internet, electronic device or phone to access child pornography sites;
- Spread confidential information concerning individual cases to anyone unless through recognised reporting procedures.

** A vulnerable adult is a person over 18 years of age who cannot look after himself/herself, or protect himself/herself*



APPENDIX 6

Referral Procedure

REFERRAL PROCEDURE

1. All individuals who come into contact with children, young people and adults, or who work with them or with adults who could pose a risk to children or adults, or who are responsible for arranging activities for children and young people should:

- Understand their role and responsibilities in terms of safeguarding and promoting the welfare of children and adults;
- Become familiar with their establishment's guidelines and protocols with respect to safeguarding, follow them and know who to contact in their establishment to report concerns about a child or adult's welfare;
- Be awake to signs of abuse and neglect;
- Have easy access to the All Wales Child Protection Guidelines www.awcpp.org.uk, and comply with them;
- Have easy access to the All Wales Interim Guidelines for the Protection of Vulnerable Adults;
- Understand the principles and work practices in 'Safeguarding Children: Working Together under the Children Act 2004';
- Be trained in the field of protecting children and adults to a standard which is consistent with their role and level of responsibility;
- Know when and how to refer any concerns regarding child and adult abuse and neglect to the social services or police;
- Know that a child, parent or a person providing care, a relative or a member of the public who expresses concern for a child or an adult's welfare to a professional worker and/or someone who works for an agency, should not be advised to refer themselves to the social services or the police. The professional worker and/or the person working for an agency must make the referral;
- If an individual working for or on behalf of the Council is concerned that a child or adult has been, or is at risk of being abused, then he or she should refer the matter directly to the line manager or to the Designated Safeguarding Manager, who will provide advice on the next steps. At times when this is not appropriate or when it is chosen not to discuss with the line manager, the individual may contact the Designated Safeguarding Manager directly.

2. Referring Concerns

2.1. Any councillor, member of staff, volunteer or a contracted service provider may feel concerned for a child or adult's safety or welfare in many ways. If a child, adult or their representative tells them that an individual is being abused, it is essential that appropriate steps are taken immediately. The person receiving the information should respond in a sensitive manner and:

- Give time for the child or adult to communicate;
- Respond calmly and stay calm at all times;
- Listen carefully to the child or adult and assure them that they have done the right thing in telling someone, and explain that it is not their fault;
- Be honest, and tell the child or adult that you must talk to someone else who can help;
- Ask as few questions as possible.

2.2. A suspicion that a child is being abused may be in the form of 'concerns' rather than 'known facts', and concerns can arise in a variety of different contexts, including where the child is already known to the social services.

2.3. It is important that the individual receiving the information does not:

- Display any feelings of anger, repulsion and disbelief to the child or adult, as that could make them stop talking for fear of causing more distress to the individual, or make them feel that the negative feelings are being directed at them;
- Interrupt the child or adult or make suggestions;
- Ask inquisitive or leading questions;
- Guess or make presumptions;
- Make negative comments about the alleged abuser;
- Approach the alleged abuser;
- Make promises or agree to keep secrets.

2.4. Investigations to find whether a child has been abused or not are dependent on detailed procedures held by an officer who is employed and trained specifically within the Children's Services in Social Services. However, this policy places a responsibility on everyone to act if they have any concerns in line with the procedure outlined below. Any concern that a child or vulnerable adult has been harmed or is at risk of being harmed must be reported as soon as possible.

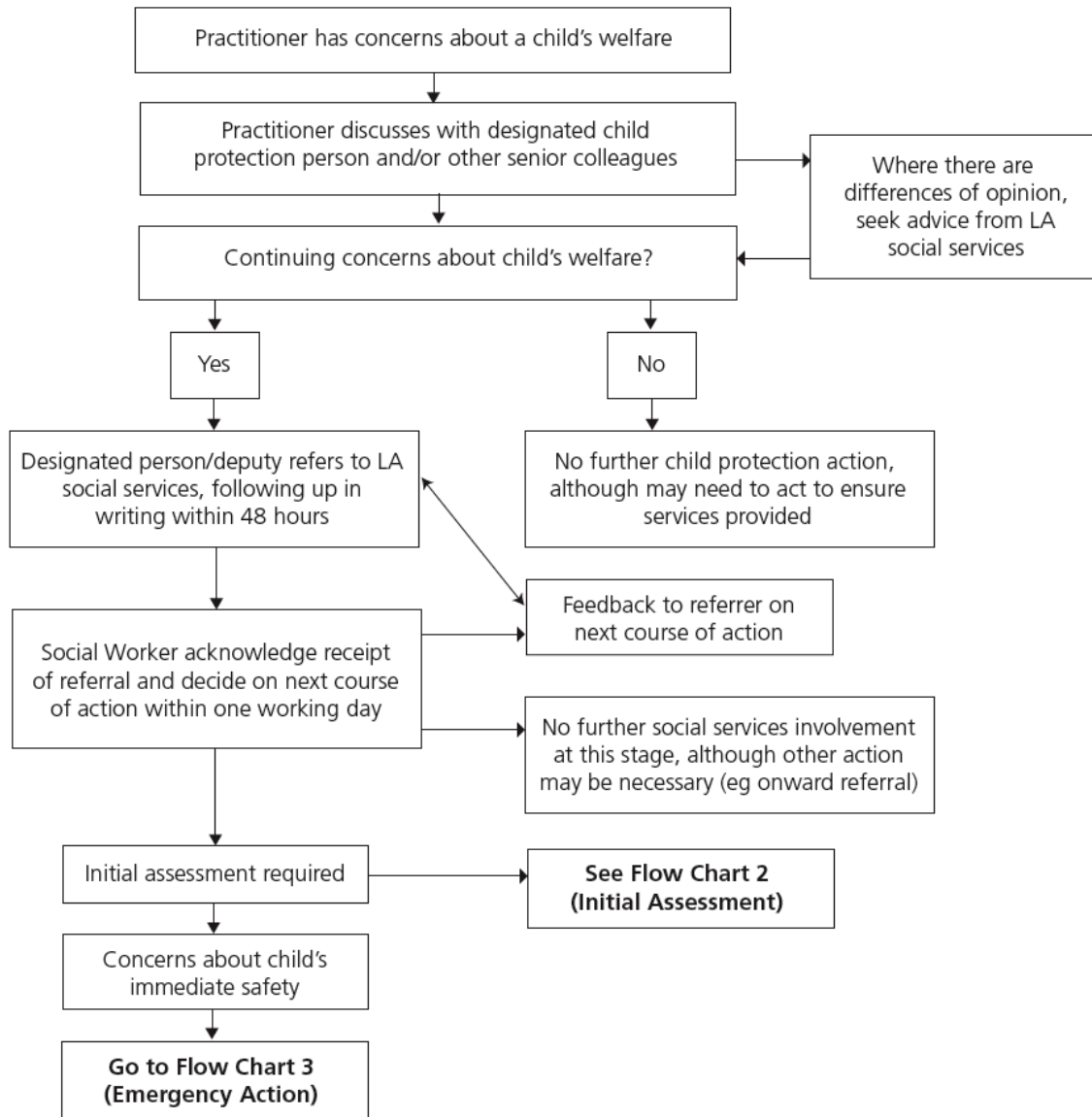
2.5. The following procedure should be followed when referring:

- Record the information given as soon as possible and as accurately as possible. You must keep a record of your concerns, noting dates and events, and should include at least any discussions held (with the child, parents and managers or a third party). The records must be clear, signed, and have the date and time on them. Referrals should be made to the Social Services as soon as a problem presents itself, and certainly within 24 hours. When making the referral over the phone, it is expected for the information to be confirmed in writing by the individual making the referral within two working days to the Social Services. Guidelines on what to include in a referral are available on page 82 of the All Wales Child Protection Guidelines;
- You should always discuss your concerns with your line manager or the Designated Safeguarding Manager. If this is not possible, or if a Designated Safeguarding Manager is not available, talk to the **Children Services Duty Team** (Monday to Friday 9.00am – 5.00pm – phone number 01758 704455, or cyfeiriadauplant@gwynedd.gov.uk), the **Police's Public Protection Unit** (phone number – 101), **Adults Service Assessment and Referral Team** or the **Social Services Out of Hours Team** (after 5.00pm Monday to Friday, and on weekends and bank holidays – phone number 01248 353551).

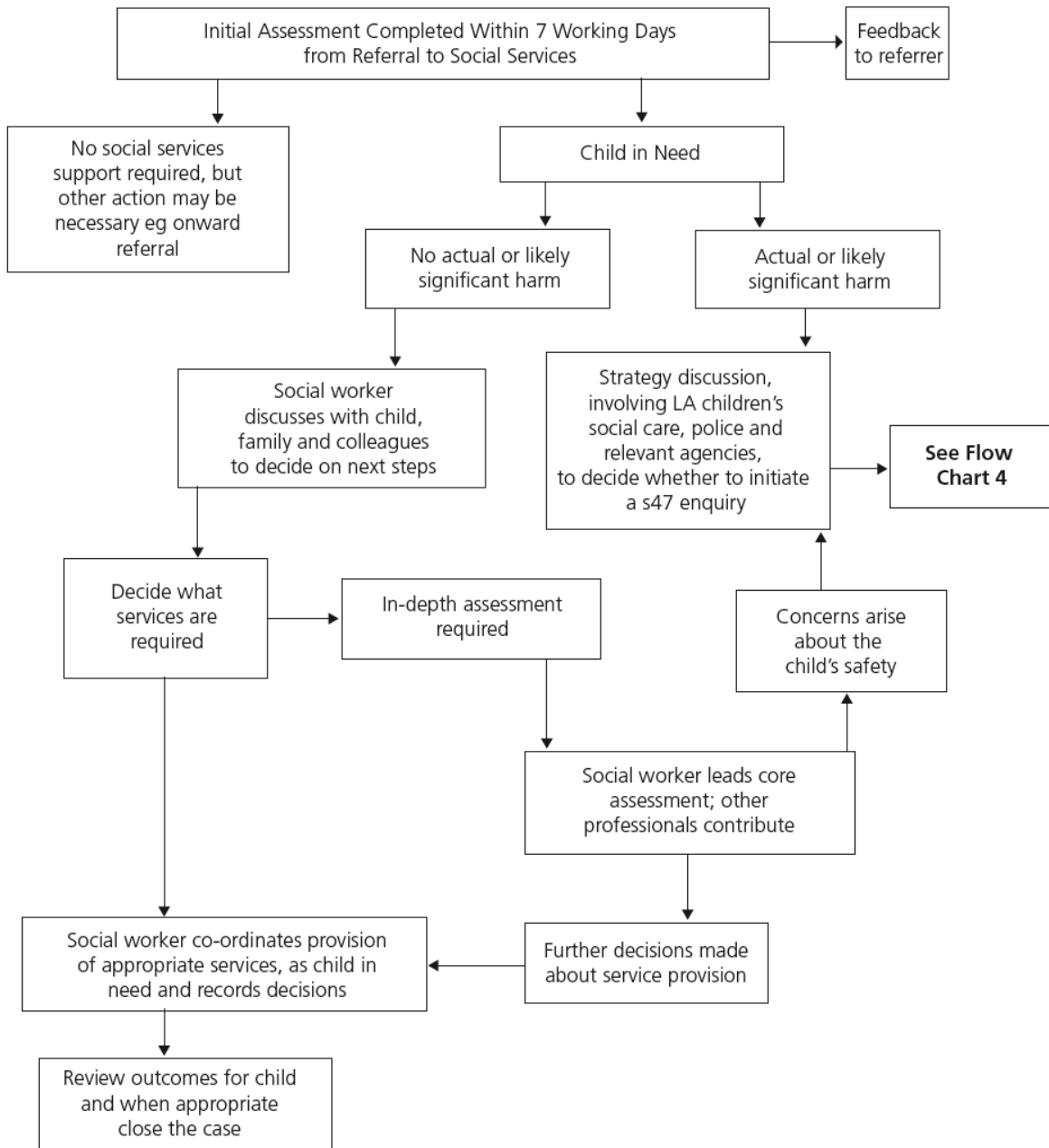
But:

- If you feel that the child or adult is in immediate danger, phone the police;
- If you feel that a child or adult needs medical attention, seek medical advice at once and inform of the incident as soon as it is safe to do so.

Flow Chart 1 - Referral

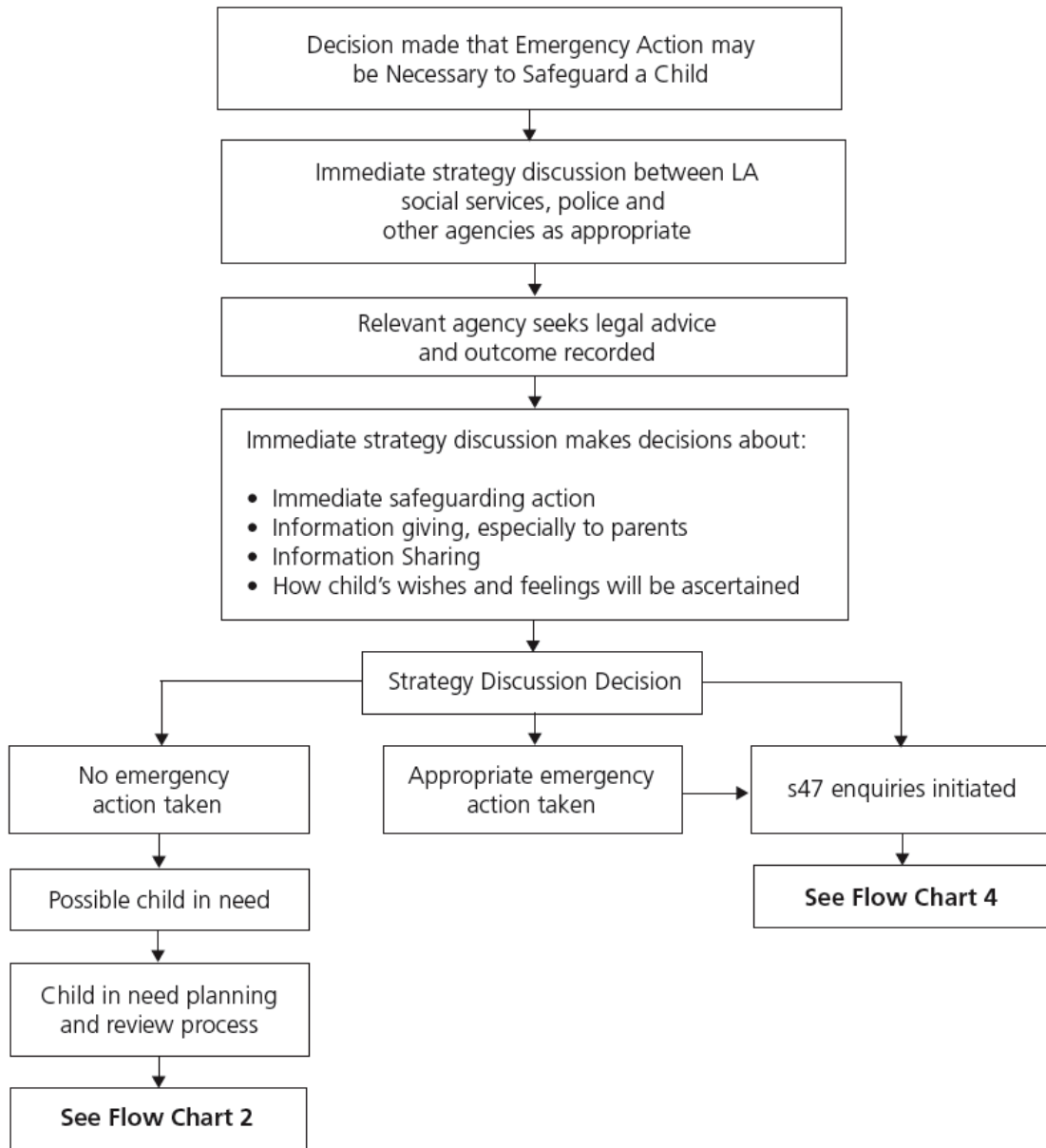


Flow Chart 2 - What happens following Initial Assessment

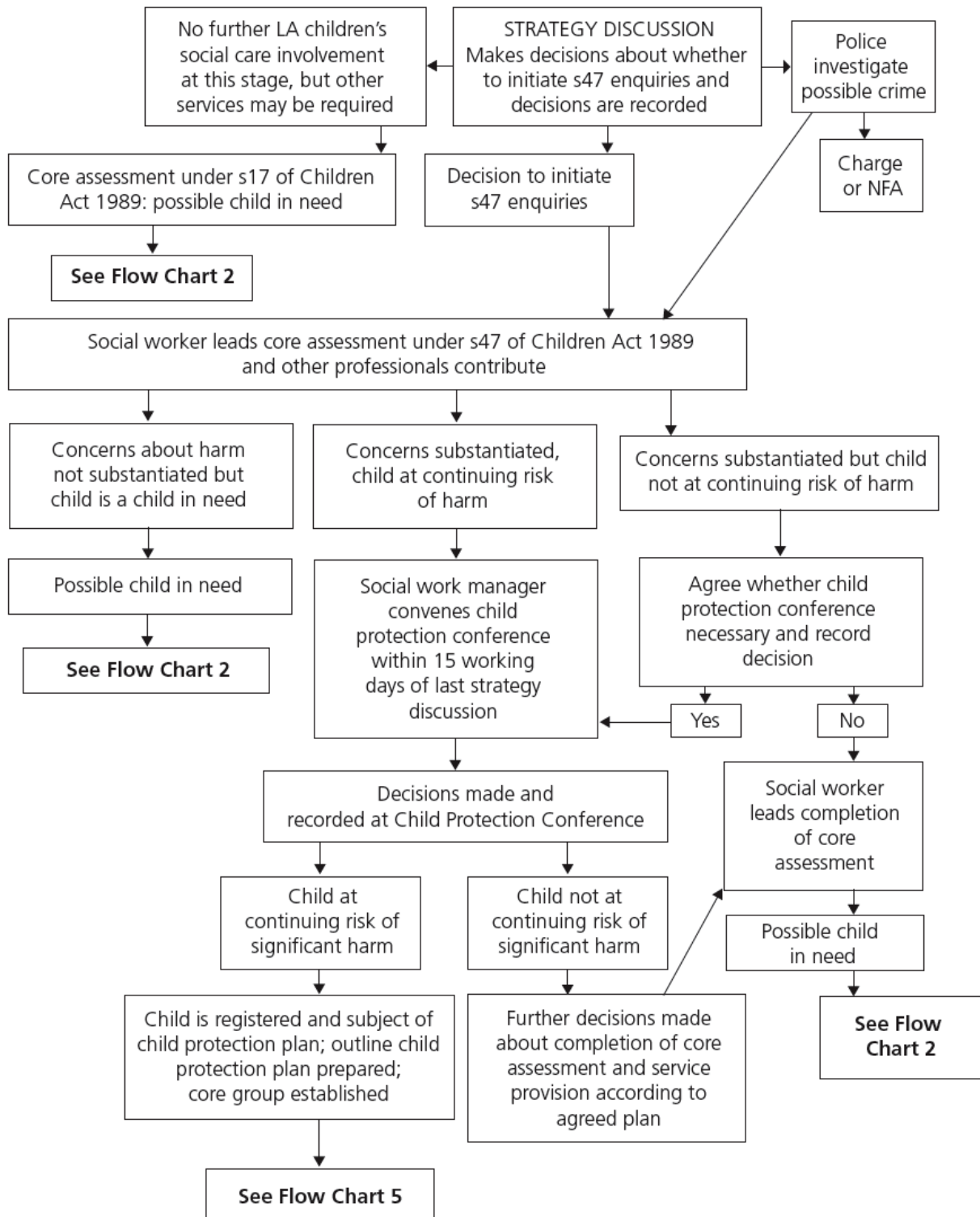


Practice Note: The family, the original referrer, and other professionals and services involved in the assessment, should, as far as possible, be told what action has been and will be taken, consistent with respecting the confidentiality of the child and family concerned, and not jeopardising further action in respect of concerns about harm (which may include police investigations). This information should be confirmed in writing to the agencies and the family.

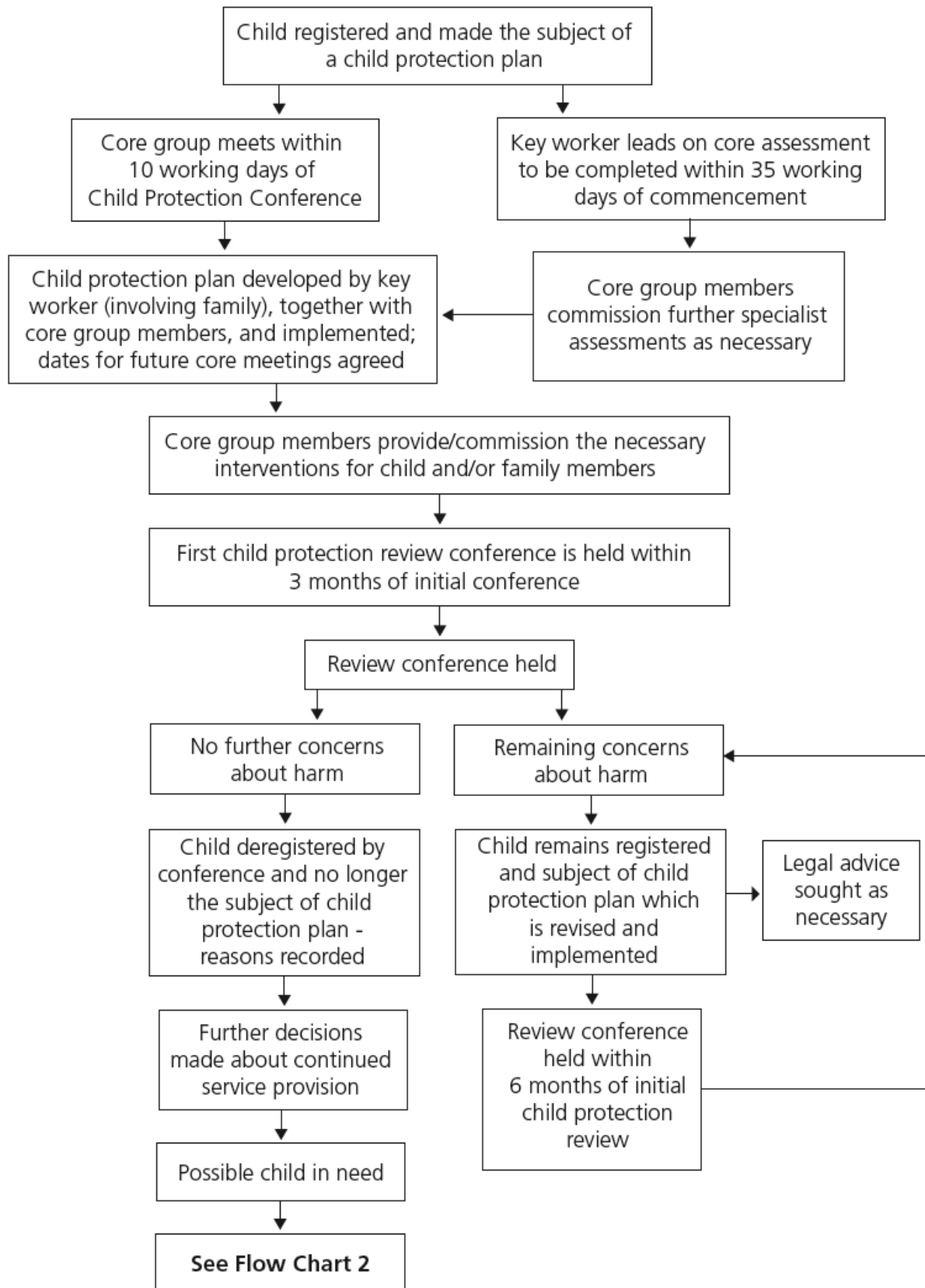
Flow Chart 3 - Urgent Action to Safeguard Children



Flow Chart 4 - What happens after the Strategy Discussion?



Flow Chart 5 - What happens after the Child Protection Conference, including the Review Process?





APPENDIX 7

Dealing with Allegations of Professional Abuse

DEALING WITH ALLEGATIONS OF PROFESSIONAL ABUSE

1. This appendix is relevant to any member of staff employed by the Council, elected members, volunteers, contractors and sub-contractors or other establishments that are funded by or on behalf of the Council.
2. If it is alleged that a member of staff in any situation has abused a child, it is important to ensure that any steps that are taken protect the rights of the child or staff member. Consideration should be given to implementing the All Wales Child Protection Guidelines (Part 4 – page 276) if it is alleged that a member of staff has:
 - Behaved in way that has caused harm to a child, or could have caused harm to a child;
 - Possibly committed an offence against or associated with a child;
 - Behaved towards a child or children in a manner which shows that he/she is unsuitable to work with children in their permanent employment or in voluntary work; or
 - If concerns arise for a child's behaviour with respect to their own children/relatives.
3. The “Designated Manager” who receives the information should contact the Duty Team in the Social Services (phone number – 01758 704455 or cyfeiriadauplant@gwynedd.gov.uk), Children's Services within one working day, and the team will decide whether the allegation is within the scope of the All Wales Child Protection Guidelines.
4. The employer should complete an individual risk assessment in order to consider suspending an individual from work following an allegation of professional abuse. In accordance with Gwynedd Council policy (adopted by the Strategic Panel for Safeguarding Children and Adults), suspension should be considered where one or more of the following are present:
 - When a child or children are in danger of suffering significant harm;
 - When the allegation warrants a police investigation;
 - When the allegation is so serious that dismissal or a finding of gross misconduct is a possibility;
 - When the individual's presence at work can interfere with the investigation;
 - When suspension from work is in the interests of the individual him/herself.
5. Consideration should be given to whether there are any professional codes of conduct the alleged abuser should adhere to. If appropriate, a referral will be made to the professional regulatory body. In such cases, advice should always be sought from Human Resources staff. If an allegation of abuse is made against the Council's staff, the Council's Complaints Procedure and/or Disciplinary Procedure will be followed, and the appropriate steps taken. Allegations against volunteers will be investigated similarly, but the Council's Disciplinary Procedure will not apply. It is expected that any contractors or sub-contractors or establishments funded by or on behalf of the Council will act in the same manner within their own operational guidelines which should be consistent with the expectations of the All Wales Child Protection Guidelines. The contracts with the services commissioned by the Council should comply with safeguarding expectations, and those expectations should be clearly identified within the contract.
6. The Designated Manager within the Service should ensure that appropriate levels of support are available for staff where allegations have been made against them. Usually they will be supported by a representative of a professional body or trade union. Managers will need to ensure that there is a nominated individual for contacting the member of staff regularly to ensure that he/she understands the procedures.



APPENDIX 8

Terms of Reference Strategic Panel: Safety of Children and Adults



TERMS OF REFERENCE STRATEGIC PANEL: SAFETY OF CHILDREN AND ADULTS

1. INTRODUCTION

- 1.1. Section 28 of the Children Act 2004 places a duty on local authorities to make arrangements to ensure that they fulfil their functions in a way which considers the need to safeguard and promote the welfare of children.
- 1.2. The following reflects the 'Statutory Guidelines on the Functions and Accountability of Directors of Social Services' [published by the Welsh Assembly Government – June 2009]. Although every member of staff has a responsibility to safeguard and promote the welfare of children, it is the Statutory Director of Social Services who remains the senior officer in the council with full and final accountability for safeguarding children.
- 1.3. The following does not change the Constitution of Gwynedd Council. The intention is to reinforce existing reporting arrangements.

2. TERMS OF REFERENCE OF THE GWYNEDD COUNCIL SAFETY STRATEGIC PANEL

- 2.1. The aim of the Panel is to ensure that robust arrangements for the safety of children and adults are in place within Gwynedd Council.
- 2.2. The Panel will act on a Strategic level in order to:
 - Convince relevant Lead Members (Lead Member for Children and Young People and Cabinet Member for Social Services, Health) that the Council's procedures are robust where matters of safety of children and adults are in question;
 - Bring together interdepartmental work in the safety field and ensure effective corporate communication;
 - Support the functions and duties of the Statutory Director within the Council;
 - Resolve any possible barriers to having effective and successful procedures in place;
 - Receive and consider information about trends in relation to allegations of professional abuse, and adopt action plans to response should the needs arise;
 - Receive and challenge information about the progress against commissioned work programmes (priority will be given in the short-term to the work programme to respond to the Pembrokeshire joint inspectorates' review report);
 - Consider and understand the implications of Serious Case Reviews and ensure that the Council responds effectively to recommendations within such reviews;
 - Accept and challenge the Annual Report of the Statutory Director;
 - Approve the Safeguarding Policy and Guidelines for every Service within the Council.

3. CHAIRSHIP

- 3.1. Deputy Leader and Cabinet Member for Children and Young People.

4. FREQUENCY OF MEETINGS

- 4.1. Meetings every six weeks.

5. GOVERNANCE AND ACCOUNTABILITY

- 5.1. The Strategic Panel is accountable to Gwynedd Council Cabinet. The Chair has the right to refer matters to the Cabinet if not satisfied.
- 5.3. The ‘Project Group – Responding to the Pembrokeshire Joint Inspection Report’ is accountable to the Strategic Panel.
- 5.4. Business Management [i.e. creating a work programme, meeting agendas, secretariat, central communication point, organising additional professional advice if needed] through the function of the Corporate Director.

6. MEMBERSHIP

Name	Title
Cllr. Siân Gwennlian	Cabinet Member for Children and Young People / Lead Member Children and Young People
Cllr. R.H. Wyn Williams	Cabinet Member – Care [lead member for Social Services, Health, Strategic]
Iwan Trefor Jones	Corporate Director / Lead Director Children & Young People
A Morwena Edwards	Statutory Director of Social Services
Marian Parry Hughes	Senior Manager - Children Services
Ann Lloyd Jones	Senior Manager - Adult Services
Dewi R. Jones	Head of Education
Delyth W. Molyneux	Senior Manager - Education (Pupils and Inclusion)
Alwyn E. Jones	Head of Human Resources Department
Geraint Owen	Senior Manager - Human Resources
Dilys A. Phillips	Head of Democracy and Legal Department
Ian Vaughan Roberts	Business Manager - Gwynedd and Anglesey LSCB



APPENDIX 9

Measuring Impact and Monitoring

MEASURING IMPACT AND MONITORING

- I. In order to ensure that the procedures contained in the corporate safeguarding policy are fully complied with across the Council, and that their implementation secures a positive effect on the lives of children, young people and adults, it is vital to ensure that the following steps happen:
- It is essential that the policy is communicated effectively to all members of staff, councillors, volunteers, children, parents, carers and anyone else who is affected;
 - There are responsibilities for the Designated Safeguarding Managers in the Departments to ensure that all their staff are familiar with the policy and supplementary procedures;
 - Every Department in the Council has a responsibility to develop a safeguarding policy that is specific to their own service, highlighting how their internal guidelines will comply with the corporate policy and taking into consideration the National Guidelines in the field of child protection and the protection of vulnerable adults;
 - There are individual responsibilities on all members of staff, councillors and volunteers to advocate and promote the policy to establishments or partners, and to ensure that the Council's values and principles in the safeguarding field are communicated clearly to children, their parents, carers and to the public;
 - Ensure that every Department develops an audit programme in order to examine compliance with the policy and procedures regularly and report to the Strategic Panel for Safeguarding Children and Adults on any successes, failures or improvement programmes within their departments;
 - Ensure that information on every allegation of professional abuse is reported to the Strategic Panel for Safeguarding Children and Adults as well as to the Local Safeguarding Children Board;
 - Ensure that every department maximises safeguarding as a main priority in their individual business plans, and ensure that every activity takes safeguarding issues into account as a matter of procedure;
 - Ensure that every department develops local indicators in the safeguarding field, and reports on a quarterly basis to the corporate performance monitoring procedure;
 - Secure feedback from the Council's staff with regard to activity in the safeguarding field and how their line managers support them to undertake these duties;
 - Ensure through participation and engagement events that children, young people and adults feel safe in every aspect of their lives and that the Council's activities in the safeguarding field contribute to their feeling of being safe;
 - Ensure that peer audits take place regularly in schools in order to standardise the safeguarding practice at all schools;
 - Ensure that a composite annual review is submitted to the Local Safeguarding Children Board on the Council's activity in the safeguarding field;
 - Ensure that a training programme is available at every level which will be filtered to every member of staff in accordance with their needs, and also ensure that refresher training takes place regularly;
 - Ensure that an annual report is submitted to the Corporate Management Team which will provide information on any safeguarding concerns, activity, feedback from serious case review and progress against the action plan;
 - Ensure that any service commissioned by or on behalf of the Council complies fully with the safeguarding expectations set in the agreement with the partners, and that it is monitored regularly.