

# SAFEGUARDING POLICY

## Children and Adults at Risk

If you or anybody you know requires this or any other council information in another language, please contact us and we will do our best to provide this for you. Braille, Audio tape and large print versions of this document are available upon request.



**Tel: 01322 343434**

**Calls are welcome via Relay UK**



ਪੰਜਾਬੀ	தமிழ்	Polski	česky	简体中文	Français
Punjabi	Tamil	Polish	Czech	Mandarin	French
01322 343610	01322 343611	01322 343612	01322 343613	01322 343614	01322 343615

## Contents

Page

---

<b>1.0</b>	<b>Policy Statement</b>	<b>3</b>
<b>2.0</b>	<b>Policy Framework</b>	<b>3</b>
<b>3.0</b>	<b>Definitions</b>	<b>5</b>
<b>4.0</b>	<b>Accountability and Roles</b>	<b>7</b>
<b>5.0</b>	<b>Recognising Abuse and Neglect</b>	<b>9</b>
<b>6.0</b>	<b>Responding to a Disclosure of Abuse or Neglect</b>	<b>16</b>
<b>7.0</b>	<b>Referral Procedure</b>	<b>18</b>
<b>8.0</b>	<b>Managing allegations against employees</b>	<b>22</b>
<b>9.0</b>	<b>Complaints</b>	<b>25</b>
<b>10.0</b>	<b>Information Sharing, Consent and Data Protection</b>	<b>26</b>
<b>11.0</b>	<b>Recruitment</b>	<b>28</b>
<b>12.0</b>	<b>Training</b>	<b>29</b>
<b>13.0</b>	<b>Equal Opportunities</b>	<b>29</b>
<b>14.0</b>	<b>Review</b>	<b>30</b>
<b>15.0</b>	<b>Legislation, Guidance and Reference</b>	<b>30</b>
	<b>Appendix 1: Safeguarding Steering Group Terms of Reference</b>	<b>32</b>

## 1.0 **POLICY STATEMENT**

- 1.1 Dartford Borough Council is committed towards meeting its statutory and moral duties to safeguard and promote the welfare of children and adults at risk who come into contact with its services and activities.
- 1.2 ***Safeguarding is everyone's responsibility:*** which means that every employee whether permanent or temporary, casual/agency worker, volunteer, contractor, elected Member or person working in any other capacity, has a duty to report any witnessed, suspected or disclosed concerns of abuse or neglect.
- 1.3 This policy sets out the procedures that must be followed to report a suspicion or allegation to Kent County Council (Children's Social Work Services or Adult Social Services) and to meet Dartford Borough Council's responsibility to ensure that such referrals are actively considered by Kent County Council.
- 1.4 Staff members should read the policy in conjunction with Dartford Borough Council's internal Safeguarding Guidance document.

## 2.0 **POLICY FRAMEWORK**

### 2.1 **Safeguarding children**

- 2.1.1 The Children Act 1989 states that every child has a right to protection from abuse, neglect and exploitation. Statutory guidance on making arrangements to safeguard and promote the welfare of children under the Children Act 2004 was published in August 2005. The guidance came into force on 1 October 2005 and was last updated in December 2020. Dartford Borough Council's duties under the Act are:
- 2.1.2 ***A duty to co-operate to improve children's wellbeing:*** section 10 requires each local authority to make arrangements to promote co-operation between the authority, each of the authority's relevant partners and such other persons or bodies working with children in the local authority's area as the authority considers appropriate. The arrangements are to be made with a view to improving the wellbeing of children in the authority's area, which includes protection from harm or neglect.
- 2.1.3 ***A duty to safeguard and promote the welfare of children:*** section 11 requires a range of organisations (including district councils) to make arrangements for ensuring that their functions, and services provided on their behalf, are discharged with regard to the need to safeguard and promote the welfare of children.
- 2.1.4 Expectations on district councils include:
- Senior management commitment to the importance of safeguarding and promoting wellbeing
  - A clear statement of the district council's responsibilities to children, made available to employees
  - Clear lines of accountability for work on safeguarding and promoting wellbeing

- Using the views of children and young people to help shape services
- Safe recruitment procedures for those coming into contact with children and young people
- Appropriate training for employees
- Effective working relationships within the district council and with other agencies to safeguard and promote wellbeing, and to share information effectively

2.1.5 ***The voice of the child:*** means making safeguarding systems child centred by seeking the views of children. Anyone working with children should see and speak to the child; listen to what they say; take their views seriously; and work with them collaboratively when deciding how to support their needs.

## 2.2 Safeguarding adults at risk

2.2.1 The legal responsibilities for safeguarding adults at risk of abuse or neglect are set out in Part 1 of the Care Act 2014 with Care and Support Statutory Guidance issued in 2014 and last updated in April 2021 to support implementation.

2.2.2 Dartford Borough Council is a relevant partner to the lead agency Kent County Council, and has a duty to co-operate in order to protect adults from abuse or neglect. In exercising their duties Kent County Council must:

- ***Make Safeguarding Enquiries:*** or request others to make them, if an adult is subject to or at risk of abuse or neglect
- ***Establish a Safeguarding Adults Board:*** which develops, shares and implements a joint safeguarding strategy
- ***Carry out Safeguarding Adult Reviews:*** when an adult dies as a result of abuse or neglect, whether known or suspected, and there is concern that partner agencies could have worked more effectively to protect the adult. Or if an adult has not died, it is known or suspected that the adult has experienced serious abuse or neglect
- ***Arrange an independent advocate:*** to represent and support an adult who is subject to a Safeguarding Enquiry or Adult Review
- ***Co-operate with its relevant partners:*** in order to protect adults experiencing or at risk of abuse or neglect

2.2.3 All sectors and settings, including district councils are expected to apply the following six key principles in its adult safeguarding role:

- ***Empowerment:*** people being supported and encouraged to make their own decisions and informed consent
- ***Prevention:*** it is better to take action before harm occurs
- ***Proportionality:*** the least intrusive response appropriate to the risk presented
- ***Protection:*** support and representation for those in greatest need

- **Partnership:** local solutions through services working with their communities. Communities have a part to play in preventing, detecting and reporting neglect and abuse
- **Accountability:** accountability and transparency in delivering safeguarding

2.2.4 **Making safeguarding personal:** means safeguarding should be person-led and outcome-focused. It is about engaging the person in a conversation about how best to respond to their safeguarding situation in a way that enhances involvement, choice and control as well as improving quality of life, wellbeing and safety.

2.2.5 **Think Family Approach:** means securing better outcomes for adults, children and families by coordinating the support and delivery of services from all organisations. When an individual first has contact with any service they should expect a system of joined-up support and safeguarding together with coordination between adult and children's services.

In order to achieve this, services working with both adults and children should take into account family circumstances and responsibilities. Families do not exist in isolation, they are part of a wider network and Think Family aims to promote the importance of a whole-family approach, ensuring practitioners work in partnership and collaboration with families recognising and promoting resilience and helping them to build their capabilities.

### 3.0 **DEFINITIONS**

#### 3.1 **Safeguarding children**

3.1.1 Safeguarding children is defined in the statutory guidance Working Together to Safeguard Children as:

- Protecting children from maltreatment
- Preventing impairment of children's health or development
- Ensuring that children grow up in circumstances consistent with the provision of safe and effective care; and
- Taking action to enable all children to have the best outcomes

3.1.2 Safeguarding duties apply where it is believed or suspected that:

- **Child Protection:** a child has suffered or is likely to suffer significant harm, through neglect, physical, emotional or sexual abuse (section 47 of the 1989 Children Act)
- **Child in Need:** a child is unlikely to achieve or maintain a reasonable standard of health or development or the child's health or development is likely to be significantly or further impaired, without the provision of services (section 17 of the 1989 Children Act)

3.1.3 A child is anyone under the age of 18 years. The fact that a child has reached 16 years of age, is living independently or is in further education, is a member of the armed forces, is in hospital or in custody in the secure estate, does not change his/her status or entitlements to services or protection.

### **3.2 Safeguarding adults at risk**

3.2.1 Safeguarding adults at risk is defined in Care and Support Statutory Guidance as protecting an adult's right to live in safety, free from abuse and neglect. Under section 42 of the Care Act 2014, safeguarding duties apply to adults who:

- Have needs for care and support (whether or not they are receiving any services); and
- Are experiencing, or at risk of, abuse or neglect; and
- As a result of those care and support needs are unable to protect themselves from either the risk of, or the experience of abuse or neglect

3.2.2 An adult is anyone aged 18 or over. Where someone is 18 or over but is still receiving children's services and a safeguarding issue is raised, the matter should be dealt with through adult safeguarding arrangements. For example, this could occur when a young person with substantial and complex needs continues to be supported in a residential educational setting until the age of 25.

3.2.3 Care and support needs arise from or are related to a physical or mental impairment or illness. This includes if the adult has a condition as a result of physical, mental, sensory, learning or cognitive disabilities or illnesses, substance misuse or brain injury.

3.2.4 Care and support includes the assessment of people's needs, provision of services and the allocation of funds to enable a person to purchase their own care and support. It could include care home, home care, personal assistants, day services, or the provision of aids and adaptations.

3.2.5 The statutory threshold for section 42 of the Care Act does not require the adult to have a particular degree of care and support need but does require that there is a link between the abuse/risk of abuse and the care and support need which impacts on the adult's ability to take actions to protect themselves. This can include situations where the care and support needs are a factor in the adult being targeted by abusers. Thus, threshold decisions must be based on full consideration of the adult's social and family circumstances.

3.2.6 If the statutory eligibility criteria for adult safeguarding is met, then Adult Social Services will carry out a statutory Section 42 safeguarding enquiry to decide whether any action should be taken in the adult's case, and, if so, what should happen and by whom.

### **3.3 Abuse and neglect**

3.3.1 Defining abuse can be complex but it can involve an intentional, reckless, deliberate or dishonest act by the perpetrator. It may be physical, sexual, emotional, an act of neglect or an omission to act. Abuse can happen to anyone, regardless of age, gender and gender identity, disability, religion or belief, ethnicity and sexual orientation. Abuse may be a single act or repeated over a period of time and affect one person or more. It may take one form or a multiple of forms or follow a pattern of abuse.

3.3.2 Neglect is a failure to care for someone with whom you have a responsibility to care for or represent, for example, by failing to provide adequate food, clothing, medical aid or accommodation. It can be a form of abuse if it is intentional, however, not all incidents of neglect are intentional and may be because a care giver is finding it hard to cope or is not receiving sufficient help.

Self-neglect covers a wide range of behaviour neglecting to care for one's personal hygiene, health or surroundings and includes behaviour such as hoarding.

#### **4.0 ACCOUNTABILITY AND ROLES**

4.1 Whilst safeguarding is everyone's responsibility, there are a number of key safeguarding roles that partner agencies and employees within Dartford Borough Council hold.

#### **4.2 Kent County Council**

4.2.1 Kent County Council is the lead authority for safeguarding children and adults at risk.

##### **Children**

4.2.2 **Children's Social Work Services:** are responsible for providing support and putting in place plans for action to protect from harm concerning children and their families at Child Protection and Child in Need levels (see [Section 3](#) for definitions).

4.2.3 **Early Help Service:** delivers a streamlined preventative service for children and families, which can be accessed if concerns do not reach the thresholds for Children's Social Work Services intervention. The Early Help Service aims to respond early to tackle issues emerging for children, young people and families, who are most at risk of developing problems and having poor outcomes. The service prevents or minimises the risk of problems arising; carried out early intervention work with those families and responds effectively to redress the situation, stop problems getting worse and improves outcomes.

4.2.4 **Kent Safeguarding Children Multi-agency Partnership Board:** makes local arrangements for safeguarding and promoting the welfare of children. As a district council, Dartford Borough Council is a relevant agency in this partnership and represented at the associated Kent District Council Safeguarding Lead Partnership Group.

##### **Adults**

4.2.5 **Adult Social Services:** are responsible for undertaking enquiries to deal with the level of need and risk concerning adults; and putting in place plans of action to protect from harm.

4.2.6 **Kent and Medway Safeguarding Adults Board:** makes sure that adult safeguarding arrangements in Kent and Medway are in place and effective, and ensures that all member agencies are working together to help keep adults safe from harm and protect their rights. As a district council, Dartford Borough Council is a relevant partner to the Board and it must cooperate in protecting adults with needs for care and support who are experiencing, or are at risk of, abuse or neglect.



### 4.3 Kent Police

4.3.1 **Kent Police:** has a duty to investigate criminal offences and refer any suspicion, allegation or disclosure that a child or adult at risk is suffering and likely to suffer significant harm to Kent County Council.

### 4.4 Dartford Borough Council

4.4.1 **Safeguarding Champion:** senior officer providing a lead on all safeguarding issues (child and adult protection) and acts as the child and adult protection professional on behalf of Dartford Borough Council. Responsibilities include:

- Providing strategic direction for the safeguarding agenda including the protection of children and adults at risk
- Championing the importance of safeguarding and promoting the welfare of children and adults at risk throughout Dartford Borough Council
- Ensuring compliance with legislation including that contained within section 11 of the Children Act 2004, Part 1 of the Care Act 2014 and government guidance
- Ensuring that there is an up to date policy and procedure in place relating to Dartford Borough Council's roles and responsibilities for the safeguarding and protection of children and adults at risk
- Ensuring that employee and Member training is undertaken and refreshed appropriately

4.4.2 **Safeguarding Steering Group:** monitors this policy and any safeguarding referrals which are made by Dartford Borough Council. Chaired by the Safeguarding Champion, this group meets quarterly to discuss any reports of abuse or neglect raised through the reporting system, whilst ensuring that Dartford Borough Council is taking its safeguarding responsibilities seriously and complying with legal requirements. Internal representation on this group includes:

**Operational Lead for Children:** lead operational officer in relation to the protection of children. Responsibilities include providing advice to staff and ensuring that the day-to-day operational practices of Dartford Borough Council meet the requirements of this policy.

**Operational Lead for Adults:** lead operational officer in relation to the protection of adults at risk. Responsibilities include providing advice to staff and ensuring that the day-to-day operational practices of Dartford Borough Council meet the requirements of this policy.

**Policy Lead:** lead policy officer in relation to the protection of children and adults at risk. Responsibilities include providing support to the Safeguarding Champion in the development of this Safeguarding Policy and assisting in the co-ordination of the activities of the Safeguarding Steering Group.

**Advisors:** provide advice and support to the Safeguarding Steering Group in terms of Dartford Borough Council's responsibilities to safeguarding children and adults at risk.

The group also includes external representation from the local Children's Social Work Services and Adult Social Services teams.

4.4.3 **Human Resources:** works to ensure that stringent recruitment procedures are in place for ensuring safe working practices and safe recruitment for job roles that involve working with children and adults at risk.

4.4.4 **Line Managers:** ensure that appropriate checks are made for all job roles that involve working with children and adults at risk. They also carry out the correct induction process for all new employees including booking the appropriate training and ensuring they are made aware of this policy and have the appropriate ongoing training.

4.4.5 **All employees, contractors, volunteers and Members:** ensure that the activities in which they are involved in during the course of their work are carried out in accordance with this policy and that they follow any guidance relating to it.

## 5.0 **RECOGNISING ABUSE AND NEGLECT**

### 5.1 **Children**

5.1.1 Abuse of children can take many forms but is usually divided into four main categories; physical, sexual, emotional and neglect. The [Kent and Medway Safeguarding Children Procedures](#) provides an illustrative guide to the various categories of abuse and details the indicators.

5.1.2 Dartford Borough Council's internal Safeguarding Guidance document further explains the signs and symptoms that may be consistent with the different types of abuse.

5.1.3 [The Kent Support Levels Guidance](#), includes illustrative examples about how need may present itself for intervention, and explains the various support levels and types of intervention services available. There are four levels of support:

- **Level 1 – Universal Support:** Universal services are provided to or are routinely available to all children and families. This includes schools, GPs, hospitals, community health services, children's centres, youth hubs, police, fire service and voluntary and community groups
- **Level 2 – Additional Support:** Children and families with additional needs who require extra help to improve outcomes. This includes universal services working together or with the addition of some targeted service
- **Level 3 – Intensive Support:** Intensive support can be offered to children and families where they have complex or multiple needs requiring local authority services to work together with universal services. This includes Intensive Family Support, Early Help and/or Child in Need Services
- **Level 4 – Specialist Support:** Children who are considered to have been harmed or are likely to suffer significant harm as a result of abuse or neglect. This includes high level Child in Need Services and Child Protection Services

5.1.4 If the concerns meet the need for Intensive Support Level 3 for Intensive Family Support Early Help and/or Child in Need services, or they meet the need for Specialist Support Level 4 for high level concern Child in Need or Child Protection; this will Request for Support into the Front Door Service (see [Section 7](#)).

5.1.5 If the concerns meet Universal Support Level 1 or Additional Support Level 2, it is possible to contact the local Early Help Team for advice. Requests for advice will be responded to within 2 working days by an Early Help Manager. This will include an opportunity to discuss the needs of the child, young person or family and be provided with advice about the most appropriate type of support available within the community.

5.1.6 ***Child Sexual Exploitation (CSE)***: is a form of child sexual abuse. It occurs where an individual or group takes advantage of an imbalance of power to coerce, manipulate or deceive a child or young person under the age of 18 into sexual activity (a) in exchange for something the victim needs or wants, and/or (b) for the financial advantage or increased status of the perpetrator or facilitator. The victim may have been sexually exploited even if the sexual activity appears consensual. Child sexual exploitation does not always involve physical contact; it can also occur through the use of technology.

If there are concerns about a child or young person being sexually exploited, employees should first discuss their concerns with their Line Manager or a member of the Safeguarding Steering Group. The Operational Lead for Children should also be consulted to assist the Community Safety Unit in informing intelligence gathering. During the discussions, the Kent and Medway [Child Exploitation Identification Tool](#) should be used to make an assessment of risk of harm to the child.

Following completion of the risk assessment and if a decision is made to make a safeguarding referral to Kent County Council under the procedure set out in [Section 7](#), the risk assessment should be attached to the referral form.

Any non-urgent intelligence on CSE can also be reported using the [Exploitation Intel Form](#).

The submission of a CSE Intelligence Form should not replace a safeguarding referral and should not be relied upon to safeguard an individual at risk. The existing safeguarding processes, as set out in this policy, should therefore still be followed in tandem with any CSE Intelligence Forms. If you would like help and advice on how to complete an Information Report please contact the Operational Lead for Children.

5.1.7 ***Children missing from home or care***: Children who are missing from home or care may be at greater risk of harm as a consequence of their basic need for food, safety, shelter and/or from the people with whom they may come into contact with. Risks can include physical harm, sexual exploitation, self-harm, substance abuse, radicalisation and involvement in a range of other criminal activities. In Kent, the [Children Missing from Home or Care Procedures](#) outline the roles and responsibilities of all organisations in responding to children who run away and go missing from home or care.

5.1.8 **Private fostering:** A private fostering arrangement is one that is made without the involvement of a local authority for the care of a child under the age of 16 (under 18 if disabled) by someone other than a parent or close relative for 28 days or more. Under the Children Act 1989, private foster carers and those with parental responsibility are required to notify Children's Social Work Services of their intention to privately foster or to have a child privately fostered, or where a child is privately fostered in an emergency. It is the duty of Children's Social Work Services to satisfy itself that the welfare of the children who are privately fostered within their area is being satisfactorily safeguarded and their welfare promoted. Children's Social Work Services should be notified of a private fostering arrangement where it is felt that the arrangement has not been or will not be notified by the private foster carer or person(s) with parental responsibility. Notification should be made to the Front Door Service on 03000 41 11 11.

## 5.2 Adults at risk

5.2.1 **The Kent and Medway Multi-agency Safeguarding Adults Policy, Procedures and Practitioners Guidance** provides an illustrative guide to the various categories of abuse and details the indicators. The main categories of abuse include:

- Physical
- Sexual
- Psychological
- Financial or material
- Modern slavery
- Discriminatory and hate crime
- Organisational
- Exploitation
- Neglect and acts of omission
- Self-neglect and self-injurious behaviour
- Mate crime

5.2.2 Dartford Borough Council's internal Safeguarding Guidance document further explains the signs and symptoms that may be consistent with abuse and neglect.

5.2.3 The referral procedure in **Section 7** of this policy should be followed if the adult at risk meets the following criteria:

- Has needs for care and support (whether or not they are receiving any services) and
- Is experiencing, or at risk of, abuse or neglect; and
- As a result of those care and support needs is unable to protect themselves from either the risk of, or the experience of abuse or neglect

5.2.4 **Adult safeguarding and mental capacity:** The Mental Capacity Act 2005 provides the legal framework for acting and making decisions on behalf of individuals who lack the capacity to make particular decisions for themselves. There are five statutory principles that underpin the legal requirements in the Mental Capacity Act:

1. A person must be assumed to have capacity unless it is established that they lack capacity.
2. A person is not to be treated as unable to make a decision unless all practicable steps to help him to do so have been taken without success.
3. A person is not to be treated as unable to make a decision merely because he makes an unwise decision.
4. An act done, or decision made, under this Act for or on behalf of a person who lacks capacity must be done, or made, in his best interests.
5. Before the act is done, or the decision is made, regard must be had to whether the purpose for which it is needed can be as effectively achieved in a way that is less restrictive of the person's rights and freedom of action.

When considering a safeguarding referral for an adult at risk, it is important to also consider whether the adult at risk has the capacity to understand or make relevant decisions regarding their safeguarding from harm. The **Mental Capacity Act Code of Practice** provides guidance on working with and/ or caring for adults who may lack capacity to make particular decisions. In Kent, a **Mental Capacity Assessment** form can be used if it is necessary to assess an adult's capacity.

5.2.5 **Self-neglect or self-injurious behaviour:** covers a wide range of behaviour; neglecting to care for one's personal hygiene, health or surroundings and includes behaviour such as hoarding. The **Kent and Medway Multi-Agency Policy and Procedure to Support People who Self-Neglect or Demonstrate Hoarding Behaviour**, should be referred to for procedures on how to respond to cases of self-neglect.

### 5.3 Domestic abuse

5.3.1 Domestic abuse is any incident or pattern of incidents of controlling, coercive, threatening behaviour, violence or abuse between those aged 16 or over who are, or have been, intimate partners or family members regardless of gender or sexuality. The abuse can encompass, but is not limited to psychological, physical, sexual, financial or emotional abuse. Other forms of domestic abuse can include so called 'honour' based violence, female genital mutilation and forced marriage.

5.3.2 **Controlling behaviour:** is a range of acts designed to make a person subordinate and/or dependent by isolating them from sources of support, exploiting their resources and capacities for personal gain, depriving them of the means needed for independence, resistance and escape and regulating their everyday behaviour.

- 5.3.3 **Coercive behaviour:** is an act or a pattern of acts of assault, threats, humiliation and intimidation or other abuse that is used to harm, punish, or frighten their victim.
- 5.3.4 Dartford Borough Council's internal Safeguarding Guidance further explains the signs and symptoms that may be consistent with domestic abuse.
- 5.3.5 Dartford Borough Council has trained employees who are able to complete the Risk Indicator toolkit (DASH) where it is identified that an individual is in a domestic abuse situation.
- 5.3.6 **Adults:** the Kent and Medway [Multi-Agency Protocol for Dealing with Cases of Domestic Abuse to Safeguard Adults with Care and Support Needs](#), provides guidelines on dealing with cases of domestic abuse where this affects adults with care and-or support needs (as defined in 3.2). Referrals in these cases should be made in accordance with the procedure in [Section 7](#).

## 5.4 Modern slavery

- 5.4.1 Modern slavery encompasses slavery, servitude, human trafficking, forced and compulsory labour. Traffickers and slave masters use whatever means they have at their disposal to coerce, deceive and force individuals into a life of abuse, servitude and inhumane treatment.
- 5.4.2 Public authorities have a duty to notify the Secretary of State of any individual encountered in England and Wales who they believe is a suspected victim of slavery and human trafficking. This duty includes district councils and applies to both children and adult victims.
- 5.4.3 The information provided in a notification will be used to build a better picture of modern slavery in England and Wales, and to improve law enforcement response, by sharing the information with the National Crime Agency and other law enforcement agencies.
- 5.4.4 The Home Office [Modern Slavery: Statutory Guidance for England and Wales](#) should be referred to for information on how to send a notification and the relevant forms. The information can be provided by completing a National Referral Mechanism form (NRM) or an MS1 (Notification of a Potential Victim of Modern Slavery) form.
- 5.4.5 The NRM form should be used if the victim is an adult and consents to provide their personal details and would like to receive Government funded specialist support, or for a child victim (where consent is not needed). An MS1 form should only be used if the potential adult victim wants to remain anonymous and does not want specialist support (or if you are not able to contact the potential victim and do not know their personal details).
- 5.4.6 The Operational Lead for Children should be consulted to assist in completion of the form and to assist the Community Safety Unit in informing intelligence gathering. Forms should be password protected with the password emailed separately. The Safeguarding Champion and the PA to the Safeguarding Champion should be copied into the email.

- 5.4.7 The submission of a notification should not replace a safeguarding referral and should not be relied upon to safeguard an individual at risk. The existing safeguarding processes, as set out in this policy (i.e. referral to the Police / Kent County Council), should therefore still be followed in tandem with a notification.
- 5.4.8 **Adults:** the **Protocol for Kent and Medway to Safeguard Adults who are at risk of Sexual Exploitation, Modern Slavery and Human Trafficking** provides guidelines on dealing with cases where adults who have care and support needs (as defined in 3.2) are being trafficked or exploited. Referrals in these cases should be made in accordance with the procedure in **Section 7**. If an NRM Form has already been completed this will be accepted by Adult Social Services as a safeguarding referral with supplementary questions being provided as requested.
- 5.4.9 **Children:** the **Kent and Medway Child Exploitation Toolkit** should be referred to as a tool to assist in identifying concerns which may indicate that a child has been trafficked. The Toolkit helps to identify the level of need and intervention, which may include a referral in accordance with the procedure in **Section 7** should the concern reach levels 3 or 4 of the Toolkit.

## 5.5 Extremism and radicalisation

- 5.5.1 The Counter Terrorism and Security Act 2015 places a duty on specified authorities to have due regard to the need to prevent people from being drawn into terrorism (the 'Prevent duty'). This statutory duty includes district councils and applies to both children and adults.
- 5.5.2 The Prevent duty is addressed through a multi-agency approach to identify and provide support to individuals who are at risk of being drawn into committing acts of terrorism through a process known as 'Channel'. A 'Channel Panel' comprising of agencies who have a role in the Prevent process look at putting into place interventions and a tailored support package to safeguard those at risk based on an assessment of their vulnerabilities.
- 5.5.3 If a child or adult are identified at risk of being radicalised, either by themselves or by others, or drawn into committing act of terrorism, then employees should first discuss their concerns with their Line Manager or a member of the Safeguarding Steering Group. The Operational Lead for Children should also be consulted to assist the Community Safety Unit in informing intelligence gathering.
- 5.5.4 The **Prevent Referral Form** should be used to make a referral to the Kent Channel Panel, The form should be password protected with the password emailed separately. The Safeguarding Champion and the PA to the Safeguarding Champion should be copied into the referral email.
- 5.5.5 The submission of a referral to the Channel Panel should not replace a safeguarding referral and should not be relied upon to safeguard an individual at risk. The existing safeguarding processes, as set out in this policy, should therefore still be followed in tandem with a referral to the Channel Panel.

## 5.6 Suicide risk

5.6.1 Where there are concerns for an individual at risk of suicide please refer to the internal Suicide Awareness Guidance document for advice on the appropriate course of action to take to reduce the risk of suicide.

5.6.2 **Adults:** where there are concerns that an adult with care and support needs (as defined in [Section 3.2](#)) is experiencing abuse or neglect (including self-neglect) and this has contributed towards them having suicidal thoughts, then this should trigger a safeguarding referral in accordance with the procedure in [Section 7](#), in tandem with any action taken to reduce the immediate suicide risk. If there is no element of abuse or neglect, then this should not trigger a safeguarding referral.

5.6.3 **Children:** where there are concerns that a child has suicide ideations/plans, a referral should be made in accordance with the procedure in [Section 7](#) in tandem with any action taken to reduce the immediate suicide risk.

## 5.7 Support for carers

5.7.1 Carers play an important role in promoting the wellbeing of the person they are caring for. Under the Care Act 2014, a carer is an individual who provides or intends to provide care for another adult. Caring for someone includes for example, helping with their washing, dressing or eating, taking them to regular appointments, or keeping them company when they feel lonely or anxious. Carers can be of any age and may be looking after a relative, partner, friend or neighbour.

5.7.2 Carers themselves may need support in fulfilling their responsibilities and ensuring their wellbeing needs are also met, and should, wherever possible, be signposted to services that can help. This can be in the form of a carer's assessment that can offer a support plan which, may include offering practical support, such as arranging for respite care when the carer needs a short break, or financial support such as a direct payment if eligible, or connecting the carer to local support groups.

5.7.3 If the carer is over 18, they can request a carers assessment by calling Kent County Council on 03000 42 61 61 or by contacting [Imago Wellbeing Matters](#), the local carer organisation for Dartford, Gravesham, Swanley and Swale. If the carer is under 18, they can contact [Imago Kent Young Carers](#) for an assessment. Further information support for carers and how to signpost to a carers assessment can be found on the [Kent County Council website](#).

## 5.8 Advocacy

5.8.1 An advocate is someone who will support an adult to make sure their views and rights are respected, that they are treated fairly, that their concerns are taken into account and they understand and have real control over decisions in their life. Advocacy is an important service for making safeguarding personal and ensuring that, where the adult needs support, their voice is heard.



5.8.2 Adults with care and support needs should, wherever appropriate, be signposted to advocacy services. The adult, their friends or family members can make a referral to **Kent Advocacy** to apply for support on a range of issues by contacting 0330 440 9000 or emailing [info@theadvocacypeople.org.uk](mailto:info@theadvocacypeople.org.uk).

## 6.0 **RESPONDING TO A DISCLOSURE OF ABUSE OR NEGLECT**

6.1 If a child or adult at risk discloses abuse or neglect:

**Do:**

- Stay calm and try not to show shock or disbelief
- Listen carefully to what they are saying
- Be sympathetic ('I am sorry that this has happened to you')
- Be aware of the possibility that medical evidence might be needed
- Tell the person that:
  - a) They did the right thing to tell you
  - b) You are treating the information seriously
  - c) The alleged abuse was not their fault
  - d) You have to inform the appropriate person
  - e) You/the service will take steps to protect and support them
- Use open questions, such as 'can you tell me what happened / can you tell me what was said / can you describe that to me?'
- Write down what was said, as soon as possible (see [Section 6.2](#))
- Report the abuse as soon as possible, following the procedure in [Section 7](#).

**Do not:**

- Press the person for more details if they are unwilling to give them; this will be done at a later date
- Stop someone who is freely recalling significant events, as they may not tell you again
- Ask leading questions that could be interpreted as putting words or suggestions to the person
- Promise to keep secrets. You cannot keep this kind of information confidential
- Make promises you cannot keep
- Contact or confront the alleged abuser
- Start an investigation on your own – this is the role of child and adult protection professionals
- Be judgmental e.g. 'why didn't you run away?'
- Pass on the information to anyone other than those with a legitimate need to know, such as your Line Manager or other appropriate person

## 6.2 Records and information

6.2.1 Information passed to Kent County Council or the Police must be as comprehensive as possible, hence the necessity for making a detailed report at the time of the disclosure/concern. Information included in this report should include:

- The nature of the allegation
- A description of any visible bruising or other injuries
- The effect on the child or adult at risk
- The child or adults account, if it can be given, of what has happened and how any bruising or other injuries occurred
- Witnesses to the incident(s)
- Any times, dates or other relevant information
- A clear distinction between what is fact, opinion or hearsay

6.2.2 When recording the incident of abuse or neglect:

***Do:***

- Note what was said, using the exact words and phrases with ink that can be photocopied
- Describe the circumstances in which the disclosure came about
- Note the setting and anyone else who was there at the time
- Be aware that your report may be required later as part of a legal action or disciplinary procedure
- Make every effort to preserve any evidence which may be relevant to a Police investigation, however taking into account that the wellbeing of the child or adult at risk is your first priority

## 7.0 **REFERRAL PROCEDURE**

### 7.1 **Employees**

7.1.1 **Flowchart A** (page 19) outlines the referral procedure that employees should follow for reporting a safeguarding concern regarding children and/or adults at risk and contains links to the referral forms.

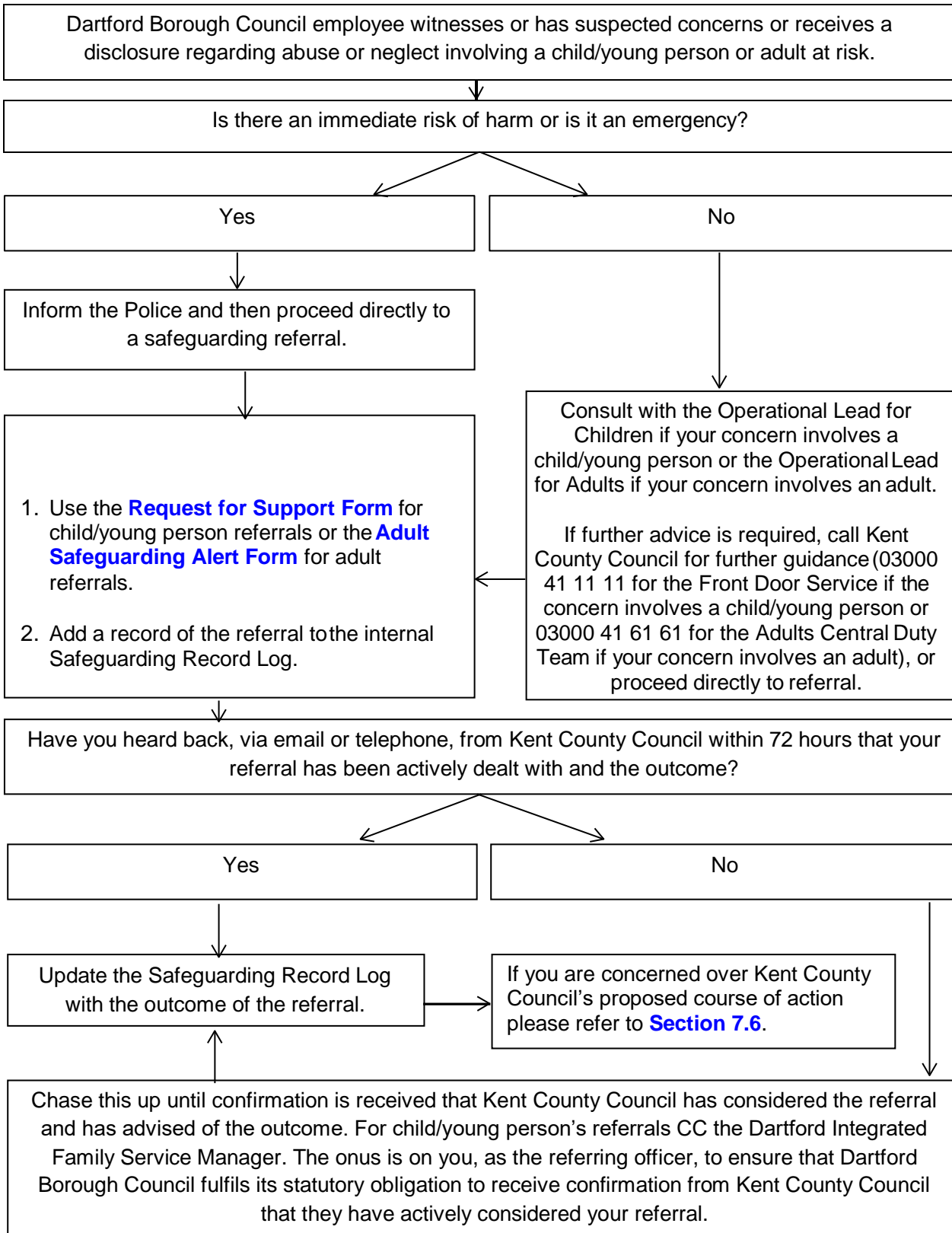
### 7.2 **Members**

7.2.1 Members should first bring their safeguarding concern to the attention of a Safeguarding Steering Group representative, **unless** the individual is in immediate danger in which case the emergency services should be contacted before the Safeguarding Steering Group representative is notified.

7.2.2 Advice will be provided to the Member on the appropriate course of action that will be taken in response to the notification. This may include the submission of a safeguarding referral by an officer or requesting that the Member passes their concern direct onto Kent County Council.

7.2.3 There will be an internal record of all notifications made by Members so that Dartford Borough Council can monitor and manage its safeguarding practices.

## Flowchart A – Referral Procedure



## 7.3 Child referrals

- 7.3.1 The electronic **Request for Support Form** should be used for all safeguarding referrals concerning children at Intensive Support Level 3 and Specialist Support Level 4 (please refer to **Section 5.1** for definitions of these support levels). This form must be accessed via the **Kent Children's Portal**. If any other assessment has been completed (e.g. DASH or Child Sexual Exploitation Risk Assessment Toolkit), it should be uploaded with the Request for Support Form via the upload tool.
- 7.3.2 Once the referral has been sent, a record of the referral should be added to the internal Safeguarding Record Log (accessible on the Intranet under E-Forms).
- 7.3.3 Child Protection/Immediate Safeguarding Concerns  
If the concern is urgent or the child is in immediate danger contact the Police straight away. Then contact the Front Door Service on 03000 41 11 11 to make a child protection referral (or 03000 41 91 91 if it is out of hours). The Request for Support Form should then be completed and uploaded within 24 hours.
- 7.3.4 Requests for Intensive Support/Consultations  
Where it is felt that a high level of support is needed for a child, the Request for Support Form should be uploaded without prior telephone conversation, unless a professional consultation is considered necessary. If a consultation is necessary, an initial consultation should take place with the Operational Lead for Children, (or another member of the Safeguarding Steering Group of the Operational Lead is not available), prior to any consultation with a Social Worker at the Front Door Service.

## 7.4 Adult referrals

- 7.4.1 The **Adult Safeguarding Alert Form** should be used for adult referrals. If the adult is already known to Kent County Council, the referral will need to be sent directly to the relevant Case Management Team (either the Learning Disability, Mental Health or Older Persons and Physical Disability Team) using the contact details on the **Adult Safeguarding Alert Form Appendices**. The Adults Central Duty Team (tel: 03000 41 61 61) will be able to confirm whether the adult is already known to services. If the adult is not already known to services, the referral form should be sent via email to the Adults Central Duty Team at **AdultsSafeguardingCRU@Kent.gov.uk**.
- 7.4.2 Password protect the referral form. Email the password separately (do not include in the body of the email). Request a delivery receipt and a read receipt when emailing the referral. If any other assessment has been completed (e.g. DASH), it should be attached to the referral form.
- 7.4.3 Urgent referrals outside of office hours that cannot wait until the next working day should be referred to the Out of Hours Team on 03000 41 91 91. The referral form should then be completed and forwarded to the Adults Central Duty Team within 24 hours.

7.4.4 Once the referral has been sent, a record of the referral should be added to the internal Safeguarding Record Log (accessible on the Intranet under E-Forms).

## **7.5 Confirmation that the referral has been actively dealt with**

7.5.1 Reporting the matter should not be delayed by an attempt to obtain more information. A summary of any consultation with, or referral to, the Front Door Service/ Adults Central Duty Team should be recorded by the referring officer. This ought to be retained on file in case any follow-up is needed.

7.5.2 The onus is on the referring officer, to ensure that Dartford Borough Council fulfils its statutory obligation to receive confirmation from Kent County Council within 72 hours that they have actively considered the referral.

7.5.3 Once confirmation is received with information on the outcome of the referral, the Safeguarding Record Log should be updated and the record closed.

7.5.4 If a response on the outcome of the referral is not received within 72 hours of making a referral, the referring officer should follow up with the Front Door Service/ Adults Central Duty Team or the relevant Case Management Team if it is an adult referral and the adult is already known to services, as outlined in [Flowchart A](#). If a case has been referred to the Police due to an immediate risk of harm or emergency, the Police crime report number should be noted and placed on file.

## **7.6 Escalating a referral**

7.6.1 On rare occasions Dartford Borough Council employees may feel that the course of action or inaction outlined by Kent County Council in their response to a referral does not represent, in their opinion, the best course of action in relation to the referred case. If there are differences in opinions, these differences must be resolved quickly, openly and constructively.

7.6.2 Concerns should be escalated in accordance with the below procedure. It will be the responsibility of each named employee to raise the matter with the next officer in the chain if they feel that the case warrants escalation. Please note that sensitive matters should be sent in a password protected document if emailed, or else discussed in person or over the phone.

7.6.3 **Stage 1: Escalate to Line Manager** – The referring officer should escalate their concern to their Line Manager. The Line Manager should consult with either the Operational Lead for Children (if the referral is regarding a child) or the Operational Lead for Adults (if the referral is regarding an adult at risk). If there is agreement to raise the matter with Kent County Council, the Line Manager should contact the equivalent Team Manager from the relevant department in Kent County Council. If agreement cannot be reached at stage 1, the matter should proceed to stage 2.

7.6.4 **Stage 2: Escalate to Safeguarding Champion** – The Line Manager should escalate the concern to the Safeguarding Champion. The Safeguarding Champion will decide whether to escalate the concern to the equivalent professional from the relevant department in Kent County Council.

- 7.6.5 If the escalation process is required, the Council, in making the original referral, should maintain case oversight until resolution is agreed.
- 7.6.6 When resolving partner agency differences, the safety of the child or adult at risk must remain of paramount importance.
- 7.6.7 Any differences in opinions/views about a safeguarding concern must be clearly recorded, this includes records of discussions in each stage of the escalation procedure.
- 7.6.8 All disagreements should be communicated in writing and addressed within 5 working days from the day the disagreement is notified.
- 7.6.9. Further information on resolving partner agency differences can be found in the following procedures:
- Kent Safeguarding Children Multi-agency Partnership – [Resolving Professional Disagreements and the Escalation of Professional Concerns](#)
  - Kent and Medway Safeguarding Adults Board – [Resolving Practitioner Differences: Escalation Policy for Referrals for Adult Safeguarding](#)

## **8.0 MANAGING ALLEGATIONS AGAINST EMPLOYEES**

- 8.1 Some employees may as part of their employment come into contact with children and/or adults at risk and will therefore be in a position of trust. A person in a position of trust is where the role carries an expectation of trust and the person is in a position to exercise authority, power or control over a child or adult at risk.
- 8.2 Any allegation or concern regarding an employee, which arises, may include where they have, for example:
- behaved in a way that has harmed, or may have harmed a child or adult at risk
  - possibly committed a criminal offence against, or related to, a child or adult at risk
  - behaved towards a child or adult at risk in a way that indicates they may pose a risk of harm to children or adults at risk
  - their conduct has raised concern as to their suitability to act in a position of trust.
- 8.3 Depending on the nature and seriousness of the allegation, there may be up to three strands to the process regarding allegations against employees:
1. Criminal Police investigation
  2. Children’s Social Work Services/Adult Social Services assessment or enquiries
  3. Internal investigation/disciplinary

- 8.4 Any allegations or concerns regarding an employee's actions should be reported to the employee's senior manager, who will notify the Safeguarding Champion immediately. Alternatively, allegations or concerns may also be reported according to Dartford Borough Council's [Whistleblowing Policy](#).
- 8.5 The Safeguarding Champion will take such steps appropriate to ensure the safety of the child or adult at risk. If there is an immediate risk, appropriate actions may include urgent involvement of the Police if it is a criminal matter, immediate removal of the employee, securing evidence or urgent medical attention. A safeguarding referral to the Front Door/Adults Social Services in accordance with the procedure in Section 7 may also be actioned where there is an allegation or concern that abuse or neglect may be taking place.
- 8.6 The Safeguarding Champion will report the incident to the relevant Director and Human Resources.
- 8.7 If the Safeguarding Champion is the subject of the suspicion/allegation, the report must be made directly to another Director and Human Resources.
- 8.8 During the allegation management process, the Safeguarding Champion, in consultation with Human Resources, will consider carefully whether the circumstances of the case warrant the employee being placed on restricted or supervised duties, being temporarily redeployed to another post without contact with children and/or adults at risk, or suspended without prejudice, until the allegation is resolved.
- 8.9 The Police, Kent County Council or the regulatory authorities may be consulted, where appropriate, regarding the allegation.
- 8.10 **Allegations relating to children** – Where the concern relates to a child, a referral will be made to Kent County Council's Local Authority Designated Officer (LADO) within 1 working day. The LADO service manage and provide advice and guidance regarding allegations against employees who work with children either in education or the wider children's workforce.

The LADO [Managing Allegations Against Staff Practice Guidance](#) should be referred to for the full procedure for allegations relating to children. If unsure about whether an employee should be referred to the LADO, the Safeguarding Champion will seek advice from the service on 03000 41 08 88.

A referral to the LADO should take place before any investigations commence and before any action is taken. In less serious cases, Police and Children's Social Work Services may not need to be involved but the LADO will provide an objective view.

The Safeguarding Champion will inform the employee subject to the allegation about the allegation as soon as possible after discussing it with the LADO. Where a strategy discussion is required, or Police and/or Children's Social Work Services may need to be involved, the Safeguarding Champion will wait until the LADO has agreed with the agencies what information can be disclosed to the employee subject to the allegation and by whom.



The Safeguarding Champion will consider advising parents of an incident involving their child. This might be straight away, for example, if the child has been injured whilst in Dartford Borough Council's care and requires medical treatment, or this may need to wait until initial scoping has taken place with the agencies involved, to determine what can be disclosed and by whom.

The LADO will consult, as appropriate, with Children's Social Work Service and/or the Police to consider:

- If a Children's Social Work Services or Police response may be appropriate and if a Strategy Discussion Meeting or Position of Trust Meeting needs to be held.
- If the allegation should be managed solely by Dartford Borough Council through disciplinary/internal investigation – see 8.11 (with the proviso that, if further information comes to light suggesting a child protection response or criminal response may be necessary, then a further consultation will take place).

The referral outcomes may be that the LADO advises:

- No further action – where the LADO agrees that no further action is to be taken regarding the employee facing the allegation
- Disciplinary/internal investigation – where an investigation by Children's Social Work Services or the Police is unnecessary, or has been completed, the Safeguarding Champion will determine if any further disciplinary/internal investigation is needed.

**8.11 Allegations relating to adults at risk** – There is no equivalent LADO service for dealing with allegations against staff who work with adults at risk. The [Managing Concerns around People in Positions of Trust \(PiPoT\)](#) protocol provides the Kent framework for how concerns and allegations against people working with adults at risk should be notified and responded to.

Following reporting the allegation or concern to the Safeguarding Champion and ensuring any immediate actions to safeguard the adult at risk have been made, including consideration of the employee being placed on restricted or supervised duties, being temporarily redeployed to another post without contact with children and/or adults at risk or suspended without prejudice – the process will involve undertaking a disciplinary/internal investigation. Depending on the nature and seriousness of the allegation, the Police or Adult Social Services may be consulted during this process.

When an employee's conduct towards an adult at risk may impact on their suitability to work with or continue to work with children, this must be referred to the LADO – see 8.10.

**8.12 Disciplinary/internal investigation** – An investigation officer will be appointed to carry out the internal investigation. The investigation officer will keep the Safeguarding Champion informed of the investigation. The Safeguarding Champion will, as part of their role as Dartford Borough Council's child and adult protection professional, provide any necessary advice during the investigation.

Irrespective of the findings of any Kent County Council or of Police inquiries, Dartford Borough Council will assess all individual cases under the Disciplinary and Dismissal Policy and Procedure to decide whether an employee has breached Dartford Borough Council policy.

Dartford Borough Council will reach a decision based on the available information and decide on a balance of probability whether an allegation is founded. The welfare of the child or adult at risk will always remain paramount.

- 8.13 As well as the responsibility for the safety of children and adults at risk, Dartford Borough Council also has a duty of care to their employees and will ensure effective support is provided for any employee facing an allegation.
- 8.14 There is a legal requirement for employers to make a referral to the Disclosure and Barring Service and professional bodies where an individual has engaged in conduct that harmed (or is likely to harm) a person and they are in regulated activity, or if a person otherwise poses a risk of harm to another person.
- 8.15 Details of the allegations, how they were followed up and resolved and a note of actions taken and decisions reached, will be recorded in line with Dartford Borough Council's recording and retention policies and procedures. The Data Protection Act 2018 and the General Data Protection Regulations will be adhered to in all cases.

## 9.0 **COMPLAINTS**

- 9.1 On rare occasions members of the public, partner agencies or Dartford Borough Council employees may feel that safeguarding action has not been taken by Dartford Borough Council in accordance with this policy.
- 9.2 ***Members of the public and partner agencies:*** should be encouraged to first raise their concerns directly with the staff member they have been dealing with or with Customer Services if they are unsure who they have been dealing with. If the matter is not resolved informally then they should be directed to Dartford Borough Council's **Corporate Complaints Procedure**. Any formal complaints related to safeguarding issues received should then be forwarded to the Safeguarding Champion for investigation. The welfare of the child or adult at risk will always remain paramount.
- 9.3 ***Dartford Borough Council employees:*** should report their concerns to the Safeguarding Champion or a Safeguarding Steering Group representative immediately for investigation. Alternatively, employees may also report this through Dartford Borough Council's **Whistleblowing Policy**. If employees do not wish to raise their concerns internally about safeguarding actions regarding children, in particular, they can report their concerns to the national Child Abuse Whistleblowing Helpline (0800 028 0285 or email [help@nspcc.org.uk](mailto:help@nspcc.org.uk)).
- 9.4 The investigation will ascertain whether the policy has been followed correctly and if any subsequent action is required to remedy the situation. The welfare of the child or adult at risk will always remain paramount.

## 10.0 **INFORMATION SHARING, CONSENT AND DATA PROTECTION**

10.1 Information sharing is vital to safeguarding and promoting the welfare of children and adults at risk. A key factor in many serious case reviews has been a failure to record information, to share it, to understand its significance and then take appropriate action.

10.2 Dartford Borough Council's **Data Protection Policy** sets out how the authority will meet its legal obligations under the Data Protection Act 2018 applying the General Data Protection Regulation ((EU) 2016/679). Whilst there is an obligation to process personal information fairly and lawfully under the legislation and regulations, it is not a barrier to sharing information where the failure to do so would result in a child or adult at risk being placed at risk of harm.

10.3 Government guidance, **Information sharing: advice for practitioners providing safeguarding services to children, young people, parents and carers**, highlights seven golden rules for information sharing regarding children, young people, parents and carers. These rules are also helpful with regards to working with adults at risk:

- **Remember:** that the General Data Protection Regulation (GDPR) and human rights law are not barriers to justified information sharing, but provide a framework to ensure that personal information about living individuals is shared appropriately
- **Be open and honest:** with the individual (and/or their family where appropriate) from the outset about why, what, how and with whom information will, or could be shared, and seek their agreement, unless it is unsafe or inappropriate to do so
- **Seek advice from other practitioners, or your information governance lead, if you are in any doubt:** about sharing the information concerned, without disclosing the identity of the person where possible
- **Where possible, share information with consent,** and where possible, respect the wishes of those who do not consent to having their information shared. Under the GDPR and Data Protection Act 2018 you may share information without consent if, in your judgement, there is a lawful basis to do so, such as where safety may be at risk. You will need to base your judgement on the facts of the case. When you are sharing or requesting personal information from someone, be clear of the basis upon which you are doing so. Where you do not have consent, be mindful that an individual might not expect information to be shared.
- **Consider safety and well-being:** base your information sharing decisions on considerations of the safety and well-being of the individual and others who may be affected by their actions
- **Necessary, proportionate, relevant, accurate, timely and secure:** ensure that the information you share is necessary for the purpose for which you are sharing it, is shared only with those individuals who need to have it, is accurate and up-to-date, is shared in a timely fashion, and is shared securely

- **Keep a record of your decision and the reasons for it:** whether it is to share information or not. If you decide to share, then record what you have shared, with whom and for what purpose

**10.4** Dartford Borough Council is a signatory to the Kent and Medway Information Sharing Agreement and is committed to close working with partners in matters relating to safeguarding and protecting children and adults at risk.

## **10.5 Consent**

10.5.1 Consent is one possible lawful basis to process and share information and can be used if the individual gives this explicitly and freely, although it is not the only option with regards to sharing information regarding a safeguarding concern. Under the GDPR and Data Protection Act 2018 you may share information without consent if, in your judgement, there is another lawful basis to do so.

10.5.2 Information can be shared legally without consent, if a referring officer is unable to, cannot be reasonably expected to gain consent from the individual, or if to gain consent could place a child or adult at risk. Relevant personal information can be shared lawfully (without consent) if it is to keep a child or individual at risk safe from neglect or physical, emotional or mental harm, or if it is protecting their physical, mental, or emotional wellbeing.

10.5.3 Where referring officers need to share special category personal data<sup>1</sup>, the Data Protection Act 2018 includes 'safeguarding of children and individuals at risk' as a condition that allows the sharing of information without consent.

10.5.4 Dartford Borough Council's lawful bases for processing and sharing personal information with respect to safeguarding children and adults at risk from abuse and neglect are:

- its legal obligation(s) under the Children Act 1989
- its legal obligation(s) under the Children Act 2004 & Working Together to Safeguard Children (Statutory Guidance)
- its legal obligation(s) under the Care Act 2014 & Care and Support (Statutory Guidance(2014))
- necessary for the performance of a task in the public interest or in the exercise of official authority vested in the Council in accordance with the legislation referred to above

10.5.5 Dartford Borough Council also relies on a number of *exemptions* in the Data Protection Act 2018, which allow it to share information without needing to identify a lawful basis for the sharing and without needing to provide information to individuals about the sharing.

10.5.6 Dartford Borough Council's Corporate and Safeguarding Privacy Notices can be obtained at <https://www.dartford.gov.uk/privacy-statement>.

---

<sup>1</sup> Special category personal data includes race or ethnic origin; political opinions; religious or political beliefs; health; sex life and sexual orientation; whether the individual is a member of a trade union; the processing of genetic data; and, the processing of biometric data in order to uniquely identify a person.

10.5.7 **Child referrals:** Although it is not necessary to use consent as a lawful basis to send a Request for Support Form, the Kent Support Levels Guidance does request that the referring officer obtains the family's 'Agreement to Engage' – this is not the same as consent for data protection purposes as it is not being used as the lawful basis to share information. Agreement to Engage is required unless there is immediate risk, or if it places the child at significant risk of harm. If the family refuse 'Agreement to Engage' this should not influence the decision to complete a Request for Support Form where the level of concern warrants this.

10.5.8 **Adult referrals:** Although it is not necessary to use consent as a lawful basis to send an Adult Safeguarding Alert Form, the views of the adult at risk are paramount in determining the course of the safeguarding response and this should be discussed with the adult, unless it is considered not safe to do so or the person is assessed not to have the mental capacity to understand, in which case the views of the relevant representative must be sought.

## 10.6 **Protecting personal data**

106.1 A safeguarding referral will often include personal and sensitive information about children, young people, families and/or adults at risk (e.g. name, contact details, date of birth, gender, religion, ethnicity and other matters of a confidential nature). Referring officers are responsible for protecting the personal data held from unlawful or unauthorised processing, and against the accidental loss of, or damage to, personal data. This means ensuring that referrals are sent securely; that they are stored securely; and that they are retained only for as long as necessary for the purpose for which the data is processed and subsequently destroyed securely.

106.2 Once confirmation on the outcome of the referral is received from Kent County Council and the internal Safeguarding Record Log is updated with the outcome, the referring officer should electronically delete the referral form from their file and securely dispose of any paper copies (i.e. shred or place in confidential waste sacks). The referring officer should also delete the referral email from their 'sent items' and then from their 'deleted items' folders (for adult safeguarding referrals).

## 11.0 **RECRUITMENT**

11.1 All Dartford Borough Council employees will be appointed in accordance with its Recruitment and Selection Policy and Procedures and its policy on Disclosures Barring Service checks on employees. These are designed to provide a rigorous and thorough selection process and to carry out all necessary checks, particularly on individuals seeking to work with children, young people and adults at risk.

### 11.2 **Disclosure Barring Service (DBS) Check Policy**

11.2.1 There are three types of Disclosure Barring Service (DBS) checks: standard, enhanced and enhanced with a barred list check (please see information in the box below).

**Standard checks** – To be eligible for a standard level DBS certificate, the position **must** be included in the Rehabilitation of Offenders Act (ROA) 1974 (exceptions) Order 1975.

**Enhanced checks** – To be eligible for an enhanced level DBS certificate, the position **must** be included in both the ROA Exceptions Order and in the Police Act 1997 (Criminal Records) regulations.

**Enhanced checks with children’s and/or adults’ barred list check(s)** – To be eligible to request a check of the children’s or adults’ barred list, the position **must** be eligible for an enhanced level DBS certificate as above **and** be specifically included in the Police Act 1997 (Criminal Records) Regulations 2002 (as amended).

**Sources of information**

[Guidance](#) and [Disclosure and Barring Service](#)

- 11.2.2 Dartford Borough Council requires employees to have a DBS check if their position is eligible under the current legal provisions.
- 11.2.3 Line Managers are responsible for deciding which of their employees require a DBS check and for ensuring that DBS checks are kept up to date, through liaising with Human Resources.
- 11.2.4 External providers may be contracted to Dartford Borough Council to carry out specific functions that involve varying degrees of contact with children and adults at risk. The contractual requirements will stipulate the level of criminal record check required and the provider’s obligations around safeguarding.

## **12.0 TRAINING**

- 12.1 Employees must accept and be able to recognise their responsibilities with regard to their own good practice and the reporting of signs of suspected abuse or neglect to either the Police or Kent County Council and understand Dartford Borough Council’s statutory obligation to ensure confirmation is received from Kent County Council that any referrals made are being actively dealt with. Everyone with access to children and adults at risk shall have regular training.
- 12.2 Training needs and opportunities relating to child and adult safeguarding and protection issues will be identified and addressed through Dartford Borough Council’s Induction and Appraisal Procedures, and in response to any changes in legislation. Training may include internal courses/workshops, externally accredited courses/seminars or workshops.

## **13.0 EQUAL OPPORTUNITIES**

- 13.1 The Equality Act 2010 places a legal obligation on public authorities to have due regard to the need to eliminate unlawful discrimination, harassment and victimisation; to advance equality of opportunity; and to foster good relations, between persons with different protected characteristics. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation. Dartford Borough Council will have full and proper regard to the Equality Act 2010 when making safeguarding referrals under this policy, so as to avoid any possible indirect discriminatory impact on particular groups.

## 14.0 **REVIEW**

### 14.1 **Reviewing referrals**

14.1.1 All referrals made by Dartford Borough Council and the responses that they receive from Kent County Council, are recorded centrally and will be reviewed regularly through the Safeguarding Steering Group.

### 14.2 **Reviewing this policy**

14.2.1 This policy will be reviewed in line with any changes in legislation and the periodical reviews of the Kent and Medway Safeguarding Policy, Protocols and Guidance.

## 15.0 **LEGISLATION, GUIDANCE AND REFERENCE**

15.1 This policy has been developed in line with the principles of the [Children Act 1989](#), the [Children Act 2004](#), the [Care Act 2014](#) and the [Kent Safeguarding Children Multi-agency Partnership](#) and [Kent and Medway Safeguarding Adults Board](#) procedures. Further guidance and reference can be obtained from the following:

<b>Guidance and Reference</b>	
<b>Safeguarding Children</b>	
<a href="#">Working Together to Safeguard Children</a>	Department for Education (2020)
<a href="#">What to do if you're worried a child is being abused</a>	Department for Education (2015)
<a href="#">Kent and Medway Safeguarding Children Procedures</a>	Kent Safeguarding Children Multi-agency Partnership
<a href="#">Kent Support Levels Guidance</a>	Kent Safeguarding Children Multi-agency Partnership
<b>Safeguarding Adults at Risk</b>	
<a href="#">Care and Support Statutory Guidance</a>	Department of Health (2021)
<a href="#">Kent and Medway Multi-Agency Safeguarding Adults Policies, Procedures and Practitioners Guidance</a>	Kent and Medway Safeguarding Adults Board
<b>Other Guidance and Reference</b>	
<a href="#">Children Missing from Home or Care Procedures</a>	Kent Safeguarding Children Multi-agency Partnership
<a href="#">Mental Capacity Act Code of Practice</a>	Office of the Public Guardian (2016)
<a href="#">Mental Capacity Act Assessment Forms</a>	Kent County Council
<a href="#">The Kent and Medway Multi-Agency Policy and Procedure to Support People who Self-Neglect or Demonstrate Hoarding Behaviour</a>	Kent and Medway Safeguarding Adults Board
<a href="#">Child Sexual Exploitation: Definition and a guide for practitioners, local leaders and decision makers working to protect children from child sexual exploitation</a>	Department for Education (2017)
<a href="#">Kent and Medway Child Exploitation Identification Toolkit</a>	Kent Safeguarding Children Multi-agency Partnership
<a href="#">The Kent and Medway Multi-Agency Protocol for Dealing with Cases of Domestic Abuse to Safeguard Adults with Care and Support Needs</a>	Kent and Medway Safeguarding Adults Board
<a href="#">Modern Slavery: Guidance for England and Wales</a>	Home Office (2020)

<b>Guidance and Reference</b>	
<b>Modern Slavery Awareness Booklet</b>	Home Office (2017)
<b>Protocol for Kent and Medway to Safeguard Adults who are at risk of Sexual Exploitation, Modern Slavery and Human Trafficking</b>	Kent and Medway Safeguarding Adults Board
<b>Prevent – Kent Channel Panel Referral Form</b>	Kent Channel Panel
<b>Multi-Agency Statutory Guidance on Female Genital Mutilation</b>	HM Government (2016)
<b>Resolving Professional Disagreements and the Escalation of Professional Concerns</b>	Kent Safeguarding Children Multi-agency Partnership
<b>Resolving Practitioner Differences: Escalation Policy for Referrals for Adult Safeguarding</b>	Kent and Medway Safeguarding Adults Board
<b>LADO Managing Allegations Against Staff Practice Guidance</b>	Kent Safeguarding Children Multi- agency Partnership
<b>Managing Concerns around People in Positions of Trust (PiPoT)</b>	Kent and Medway Safeguarding Adults Board
<b>Information Sharing: advice for practitioners providing safeguarding services to children, young people, parents and carers</b>	Department for Education (2018)

**15.2** This policy and the accompanying guidance should also be read in conjunction with the following Dartford Borough Council documents which can be found on the Intranet:

- Recruitment and Selection Policy and Procedures
- Induction Procedure
- DBS checks
- Comprehensive Equalities Policy
- Employee and Member Codes of Conduct
- Health, Safety and Welfare Policy
- Disciplinary Policy and Procedure
- Data Protection Policy
- Privacy Notices



## Appendix 1

### SAFEGUARDING STEERING GROUP TERMS OF REFERENCE

#### Purpose

To lead on safeguarding children and adults at risk and to ensure that all employees recognise and understand their responsibility to report any signs of abuse and neglect.

#### Responsibilities

1. To oversee and steer the development, promotion and review of the Council's Safeguarding Policy.
2. To provide a platform for the discussion of all aspects of safeguarding issues and ensure liaison and where appropriate, joint working internally between Council Departments/Directorates and externally with Kent County Council's Children's Social Work Services and Adult Social Services Departments.
3. To review any reports made by employees of suspected abuse or neglect.
4. To oversee the Safeguarding Training Plan for employees, councillors, contractors and other stakeholders deemed appropriate by legislation or Steering Group decision.
5. To review and, if necessary, prioritise recommendations/action plans based on national guidance, local priorities etc.
6. To ensure that the Management Team is kept regularly informed of progress in developing and implementing the Council's safeguarding requirements.
7. To ensure that other key stakeholders (employees, councillors, contractors, customers, community groups etc) are kept informed of the activities of the Steering Group through annual reports and by communicating key messages/information as appropriate, through a variety of media/methods, including the Council's intranet and internet.

#### Membership and role

- **Safeguarding Champion:** Director of Housing & Public Protection
- **Operational Lead for Children:** Community Safety Manager, Housing & Public Protection, Enforcement & Regulatory Control
- **Operational Lead for Adults:** Head of Housing, Housing & Public Protection, Housing Services
- **Policy Lead:** Policy & Performance Officer, Growth & Community, Community Service
- **Advisor:** Head of Legal Services, Corporate Services, Legal Services
- **Advisor:** Community Services Manager, Growth & Community, Community Services
- **Safeguarding Children's Liaison:** Dartford Integrated Family Service Manager, Kent County Council
- **Safeguarding Vulnerable Adults Liaison:** Safeguarding Adults Co-ordinator, Kent County Council

Other co-opted members as and when specialist input is required.

1. Feedback into their work areas and drive forward the Council's safeguarding agenda as part of their overall work programmes.
2. Report back to the Group on progress made in their work areas.
3. Report back to the Group on issues related to safeguarding, that arise through their work areas.

#### Accountability

The Group is accountable to the Management Team.

#### Frequency of meetings

Quarterly.

#### Minutes and reports

1. The Steering Group will produce a set of minutes from each meeting.
2. Quarterly reports on actions and plans will be presented to the Management Team.