

TONBRIDGE AND MALLING BOROUGH COUNCIL

# **Safeguarding Policy & Reporting Procedure**

Safeguarding Policy and Procedures for Children,  
Young People and Adults at Risk



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## **Section 1: Safeguarding Context / Policy Aims and Objectives**

### **INTRODUCTION**

Tonbridge and Malling Borough Council is committed to working in partnership with others to safeguard children, young people and adults at risk from all detectable forms of abuse, neglect or exploitation. Everyone has a responsibility to ensure that concerns about the abuse of children, young people and adults at risk are addressed.

The lead responsibility for managing child and adult protection lies with Kent County Council which retains the co-ordinating role and duty of enquiry. However, it is recognised that successful safeguarding responses need multi agency and multi-disciplinary working and Tonbridge and Malling Borough Council will work with partners to identify and respond to suspected abuse.

In order to keep children, young people and adults at risk safe from harm, the Borough Council will ensure that it complies with all relevant legislation and government guidance, a summary of which is listed in Annex 2.

### **AIMS**

This policy aims to ensure that an overarching approach to safeguarding is embedded within all Council services and that staff, elected Members, those delivering services on behalf of the Council and volunteers have a good understanding of safeguarding guidelines and good practice.

The policy aims to:

- Raise awareness of the duties and responsibilities for children, young people and adults at risk of harm.
- Encourage good practice among staff, elected members, volunteers and contractors, to safeguard children and adults at risk who receive Council services.
- Provide clear guidance on procedures to be adopted if it is suspected that an adult, young person or child may be at risk of harm.

### **OBJECTIVES**

Through this policy the Borough Council will create an environment where staff and others associated with the delivery of Council services are adequately trained and encouraged to think of safeguarding as being their responsibility. This policy aims to ensure that all residents of the Borough are able to live a life free from abuse, exploitation and intimidation.

### **The policy objectives are to:**

- Explain the responsibilities the organisation has in respect of children, young people and adults at risk.
- Provide an overview of safeguarding and the legal duties associated with the protection of children, young people and adults at risk.
- Raise levels of awareness of those who might be at risk, the types of harm and their impact on children, young people and adults at risk.
- Promote the general health and wellbeing of children, young people and adults at risk that come into contact with us through the delivery of services.
- Provide a clear procedure that will be implemented when issues arise.
- Maintain effective procedures for recording and responding to suspected incidents of harm.
- Regularly review and monitor our approach to safeguarding to ensure our procedures and policies remain fit for purpose.

## **CONTEXT**

### **Child Safeguarding**

For the purpose of this policy the term 'child' or 'children' applies to children and young people under 18 years of age and for those with an Education, Health and Care plan (EHC) under the age of 25. "Working together to safeguard children: A guide to inter-agency working to safeguard and promote the welfare of children, 2015" defines child safeguarding as:

- Protecting children from harm
- Prevention and support provided to ensure the health and development of all children and young people is promoted.
- Ensuring that children grow up in circumstances consistent with the provision of safe and effective care
- Taking action to enable all children to have the best outcomes

### **Adult Safeguarding**

For the purpose of this policy adult safeguarding is about protecting an adult's right to live in safety, free from abuse and neglect. The 2014 Care Act extended the definition of a vulnerable adult for safeguarding purposes from someone 'who is or may be in need of community care services' to an adult who:

- Has need for care and support
- Is experiencing, or is at risk of, abuse or neglect; and
- As a result of those needs is unable to protect themselves from either the risk of, or the experience of abuse or neglect.

## What constitutes abuse and neglect?

Abuse is a violation of an individual's human and civil rights by any other person or persons and can be perpetrated by, and to, anyone, regardless of age, gender, class or ethnicity. Abuse may be a single act or repeated over a period of time.

Somebody may abuse or neglect a child or vulnerable adult by inflicting harm, or by failing to act to prevent harm. Children or vulnerable adults may be abused in a family, in an institutional or community setting, by those known to them or by a stranger. Abuse can occur in any relationship and may result in significant harm to, or exploitation of, the person subjected to it.

When visiting people in their homes, it is important to be aware of the additional vulnerability of disabled children, young people and adults, especially if they have limited communication, for instance:

- Neglect of medical or emotional needs as well as more obvious physical needs
- Inappropriate restriction or restraint
- Lack of privacy when meeting care needs

Abuse and neglect can include:

**Physical abuse** – non accidental infliction of physical force that results, or could result, in bodily injury, pain or impairment, including assault, hitting, slapping, pushing, misuse of medication, restraint or inappropriate physical sanctions

**Sexual abuse** - involvement, either direct or indirect, in sexual activity without consent. It could also be the inability to consent, pressured or induced to consent or take part.

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

**Neglect** - persistent failure to meet basic physical and/or psychological needs, likely to result in serious impairment of health or development. Ill-treatment and wilful

neglect of a person who lacks capacity is a criminal offence under the Mental Capacity Act 2005.

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

**Emotional abuse** - persistent emotional maltreatment to cause severe and persistent adverse effects on emotional development

**Emotional or psychological abuse** - acts or behaviour which impinge on the emotional health or, or which cause distress or anguish.

**Bullying** – deliberate hurtful behaviour, usually repeated over a period of time, where it is difficult for those bullied to defend themselves. Bullying may include – Physical eg: hitting, kicking and theft; verbal eg: name calling, constant teasing, sarcasm, racist or homophobic taunts, threats, graffiti and gestures; emotional eg: tormenting, ridiculing, humiliating and ignoring; sexual eg: unwanted physical contact or abusive comments.

**Financial abuse** - unauthorised, fraudulent obtaining and/or improper use of funds, property or any resources.

**Discriminatory abuse** - values, beliefs or culture result in a misuse of power that denies mainstream opportunities. It includes discrimination on the basis of race, gender, age, sexuality, disability or religion, or any of the other protected characteristics.

**Institutional abuse** - an organisation imposing rigid and insensitive routines; poor practices embedded in systems; unskilled, intrusive or invasive interventions, or an environment allowing inadequate privacy or physical comfort.

**Domestic Abuse** is defined as any incident or pattern of incidents of controlling, coercive or threatening behaviour, violence or abuse between those aged 16 or over who are or have been intimate partners or family members regardless of gender or sexuality.

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

**Female Genital Mutilation (FGM)** is a collective term for illegal procedures which include the removal of part/all external female genitalia for cultural or other non-

therapeutic reasons. The practice is not required by any religion. It is painful, medically unnecessary and has serious health consequences at the time it is carried out and in later life. The procedure is typically performed on girls of any age, but is also performed on new born girls and on young women before marriage/pregnancy. A number of girls die as a direct result of the procedure, from blood loss or infection. FGM may be practised illegally by doctors or traditional health workers in the UK, or girls may be taken abroad for the operation.

**A Forced Marriage (FM)** “is a marriage conducted without the valid consent of both parties, where duress is a factor” (‘A Choice by Right’ HM Government 2000).

**Modern Slavery/Human Trafficking** - the organised crime of human trafficking into the UK has become an issue of considerable concern to all professionals with responsibility for the care and protection of children and adults. Any form of trafficking humans is an abuse. Trafficking of persons means the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat of, or use of coercion, abduction, fraud, and deception, abuse of power or of a position of vulnerability. It also includes the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.

Annex 3 provides further information on recognising the potential indicators of abuse.

## **PARTNERSHIP ROLES AND RESPONSIBILITIES**

### **Kent County Council (KCC)**

KCC has statutory responsibilities as the Children’s Services Authority and the Social Services Authority for Kent. All safeguarding concerns, incidents and allegations regarding the welfare of a child or vulnerable adult will be reported to KCC. The relevant officers at Kent County Council are responsible for co-ordinating any investigation.

### **Kent Police**

Kent Police has the responsibility to investigate any allegations or suspicions of criminal offences against a child or adult. They will also support victims and enable them to access support services, e.g. victim support, social care.

### **Safeguarding Boards**

Kent & Medway Safeguarding Adults Board (SAB)

[The Kent and Medway Safeguarding Adults Board \(SAB\)](#) is a statutory service which exists to make sure that all **member agencies** are working together to help keep Kent and Medway's adults safe from harm and protect their rights. It has an Independent

Chair and meets three times per year. It is an inter-agency forum (which includes TMBC) for agreeing how the different services and professional groups should co-operate to safeguard vulnerable adults across Kent & Medway. The board aims to raise awareness and promote the welfare of vulnerable adults by the development of an effective cooperative involving people from a wide range of public and voluntary services and other organisations. Issues arising from the meetings of the SAB will be fed back to relevant TMBC staff via the Council's Management Team and the Safeguarding Task Group.

### Kent Safeguarding Children's Board (KSCB)

The Kent Safeguarding Children Board is overseen by an Independent Chair and sets the performance, policy and strategic priorities for KSCB. It is responsible for ensuring that statutory requirements are met and resources are in place to meet these. Its [member agencies](#) comprise of senior representatives from all agencies responsible for child protection arrangements in Kent. Details from the KSCB are fed back to TMBC staff via Management Team and the Safeguarding Task Group.

The objective of the board is to co-ordinate what is done by each person or body represented on the board for the purposes of safeguarding and promoting the welfare of children in the area of the authority by which it is established; to ensure the effectiveness of what is undertaken by each person or body for that purpose; to challenge partner agencies' arrangements to safeguard children and to accept challenges to their own agency.

### **Prevent Strategy**

Prevent is a national Government counter-terrorist strategy led by the Home Office. It aims to stop people becoming involved in terrorist activity or supporting terrorism by working with individuals and communities. Supporting vulnerable individuals and reducing the threat from violent extremism in local communities is priority for statutory bodies and their partners.

The Counter Terrorism and Security Act became law on 16 February 2015; The Act places a statutory duty on local authorities to have 'due regard to the need to prevent people from being drawn into terrorism'. This is known as the Prevent Duty. Local Authorities are also required to establish panels to identify and support those felt to be vulnerable to being drawn into terrorist activity.

Part 5, Chapter 1, Section 26 places a statutory duty on 'specified bodies' including local authorities, schools, including academies and independent schools, further and higher education colleges, health, penal bodies and the police to pay due regard to the need to prevent people from being drawn into terrorism. Specified bodies are listed in Schedule 6 of the Act. Local authorities have established panels to assess the extent to which identified people are vulnerable to being drawn into terrorism. A



Chief Police Officer may refer a person to the panel if s/he has reasonable grounds. The panel will establish a plan of support to reduce that person's vulnerability. If necessary the panel can consider referring a person to a health or social care provider even if it does not think that a plan of support is necessary. Panels will be chaired by local authorities and must include the local Chief of Police.

The Community Safety Unit at Tonbridge and Malling Borough Council is responsible for delivering the objectives and monitoring progress within the Tonbridge and Malling Borough Council [Prevent Action Plan](#).

## **Section 2: Responsibilities of Tonbridge and Malling Borough Council**

### **Responsibilities of Tonbridge and Malling Borough Council (TMBC)**

#### **Children and Young People**

In relation to children and young people, the Children Act 2004, places the following duties on District/Borough Councils:

- Section 11 places a statutory duty on key people and bodies, including district councils, to make arrangements to ensure that in discharging their functions they have regard to safeguard and promote the welfare of children
- Section 10 outlines the duty to promote inter-agency cooperation between named agencies- including district councils
- There is a reciprocal duty on those agencies, including district councils, to cooperate with the Children's Service Authorities (CSA) in budget pooling – a key provision that underpins children's trust arrangements
- Section 13 gives district councils representation on, and participation in, local safeguarding children's boards (LSGBs)
- Section 17 entitles district councils to be consulted on the CSA's children and young people plans (CYPPs)

#### **Voice of the Child**

Government guidance states, at an organisational or strategic level, partners are responsible for ensuring that children and young people are listened to appropriately and concerns expressed about their or any other child's welfare are taken seriously and responded to in an appropriate manner. As much as possible, the Council will actively seek feedback and listen to the views of children and young people, promoting their welfare and listening to the voice of the child.

#### **Adults**

In relation to adult safeguarding there is a wide range of legislation, applicable to adults at risk, that has been developed over a number of years. It includes laws

about adult care services, where upper-tier councils have the statutory lead, and laws about crime, contracts and property, human rights and mental health capacity.

It is the responsibility of all employees and Council Members to adhere to best practice and participate in relevant training, report any concerns, incidents or allegations to a designated person in accordance with the relevant procedure set out within this policy. Safeguarding reports cannot be anonymous and should be made in the knowledge that, during the course of enquiries, they may be required as a prosecution witness. Basic Safeguarding training will be provided for all employees, with further additional training provided for some staff depending on job role and need.

### **Our Key Front-line Services**

There are a number of Council services where the safeguarding of children, young people and adults at risk will be of particular relevance and where staff could be in direct contact with those at risk. These include our responsibilities in relation to the licensing of taxi services and public houses, the support services we provide for children and young people, and our role as a housing authority including those presenting as homeless, our customer services functions, and our council tax and welfare advice services. The Borough Council will therefore ensure that all staff who have face to face contact with customers as part of their normal responsibilities will receive regular training and assistance to ensure any safeguarding concerns are properly dealt with and that any issues which arise are reported to the Safeguarding Task Group for further review.

### **Use of Contractors, External Agencies and Service Level Agreements**

It is the responsibility of TMBC employees and Members to consider safeguarding implications in their decision making processes, including the procurement of services and the issuing of licences in order to deliver services. A Contractor Advice Note incorporating the safeguarding of children and vulnerable adults into contracts and community grant awards is attached as Annex 1. Depending on the level of risk, the Council can include safeguarding clauses relevant to the service being provided. The conditions placed within the contract should provide meaningful controls proportionate to the level of risk. Where relevant contractors should have their own Safeguarding Policy and training procedures in place. Responsibility for ensuring that contractors comply with TMBC safeguarding policies lies with the contract manager.

## **Recruitment at TMBC**

It is important that the Council takes all reasonable steps to prevent unsuitable people working with vulnerable groups. For all new employees, confirmation of employment will be dependent on satisfactory checks.

Managers and Personnel Services are responsible for risk assessing all job descriptions to identify which are likely to involve regular and/or substantial unsupervised contact with children, young people and adults at risk. A question is included on all application forms about unspent criminal convictions. Disclosure and Barring Service checks (DBS) have replaced the Criminal Records Bureau checks (CRB) since 1st December 2012 as a result of the Protection of Freedoms Act (2012). This service allows the Council to check whether there have been any updates since the date of an existing DBS check, as a DBS check has no official expiry date. Such a process should only be used in those few instances where employees and volunteers have substantial or regular and unsupervised contact with children, young people and vulnerable adults. Basic DBS checks can be undertaken where appropriate and Personnel Services will assess this need.

## **Guidelines on use of photography and filming of children, young people and adults at risk (including mobile phone technology)**

It is an unfortunate fact that some people have used children and young people's events as opportunities to take inappropriate photographs or footage of children and young people. Councillors, employees, volunteers and contracted service providers should be vigilant at all times to ensure that misuse of photography does not occur. All photography by Council employees or on behalf of the Council must be made in accordance with the Council's Photographic policy (available internally on request). In particular, written parental/carers consent must be obtained before anyone working for or on behalf of the Council takes a photograph of or films a child, young person or vulnerable adult. Usually this will be in the form of the Council's image consent form (available internally).

When commissioning professional photographers or inviting the press to cover Council services, events and activities you must ensure that you make your expectations clear in relation to child protection. The following steps should be taken when professional photographers or the press are invited to events:

1. Check the credentials of any photographers and organisations commissioned,
2. Ensure identification is worn at all times,
3. Do not allow unsupervised access to children, young people or adults at risk
4. Do not allow photographic sessions outside of the activities or services,
5. Ensure that the names of children, young people, or vulnerable adults are not used in photographs or footage, unless the express permission of the parent/carers of

the child, young person or vulnerable adult has been given as detailed on the Council's Photograph Consent Form. (Available from the Media Team).

## **Social Media**

The open nature of the internet means that social networking sites can leave Council staff vulnerable if they fail to observe a few simple precautions. The Council's [Social Media Policy](#) sets out general advice on how to avoid social media putting you in a position where your actions may be misconstrued or give rise to a safeguarding concern.

## **Information Sharing**

In order to keep children and vulnerable people safe from harm, professionals will share relevant information across geographical and professional boundaries as required.

When there is a reasonable cause to believe that a child, young person or adult at risk, may be suffering or may be at risk of suffering significant harm, consideration will always be given to referring these concerns to Children's or Adults Social Care (as appropriate) and/or the Police. Information about children, young people, families and adults at risk will be shared appropriately, and always in accordance with the [Council's Data Protection Policy](#).

At TMBC there are designated officers within each service who should be contacted if you have any concerns relating to safeguarding (Annex 4).

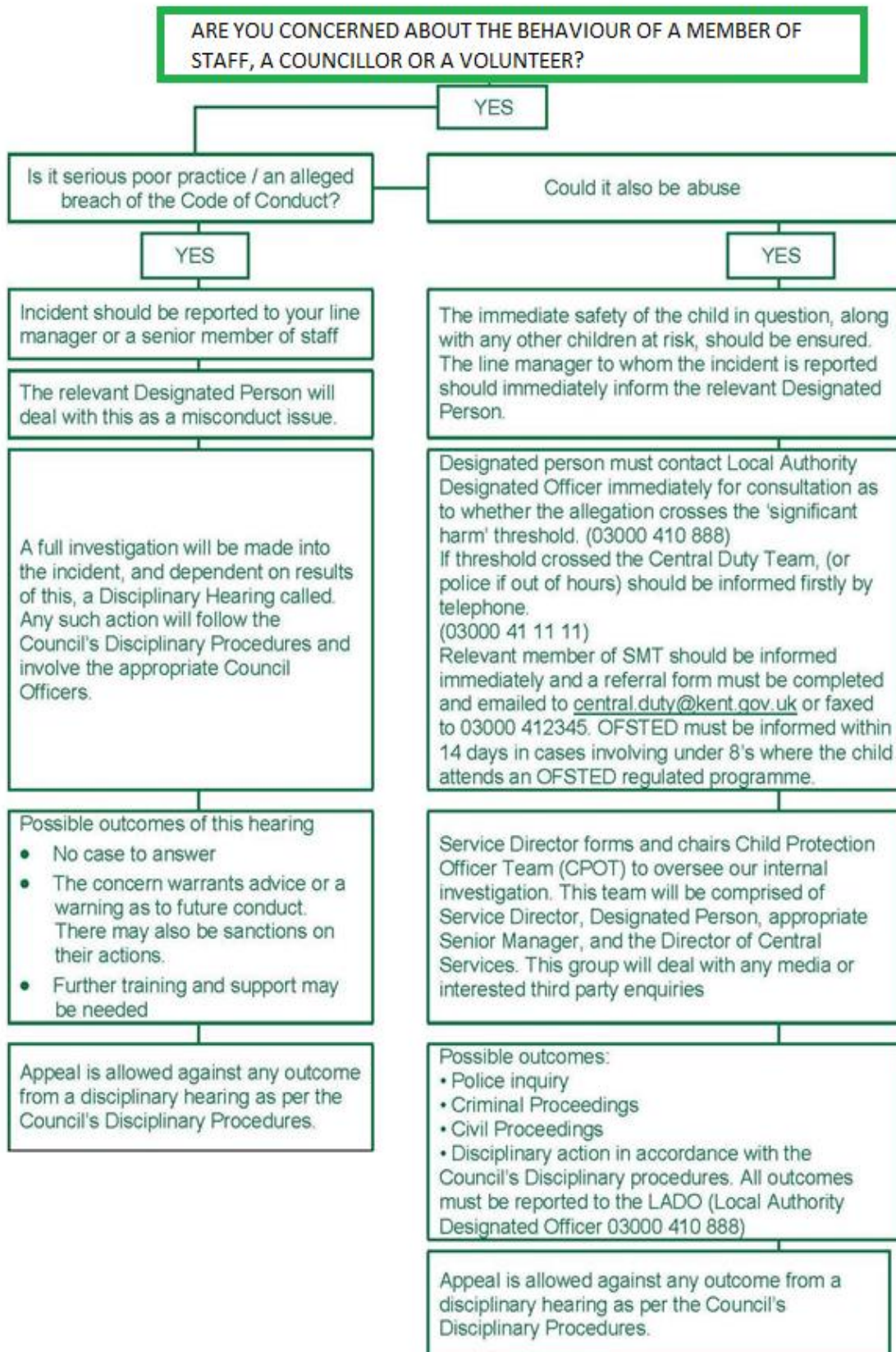
## **General Data Protection Regulation**

The General Data Protection Regulation (GDPR) came into force 25 May 2018. GDPR strengthens individuals and organisations rights and duties relating to information management. In response to GDPR, a Safeguarding Privacy Notice is in place which outlines how safeguarding information is used. If you would like further information about this Privacy Notice, please contact the Council's Data Protection Officer.

## **Allegations against an employee/member of the Council staff or elected Member**

It is important that any concerns for welfare of a child or adult at risk are reported immediately to a designated officer and an incident reporting form completed (Annex 5).

The following flow chart should be used to report protection concerns in relation to any allegations against staff; the Council also has a [Whistleblowing Policy](#) with further guidance and advice.



## **Section 3: Response and Reporting Procedure**

### **Responding to Initial Disclosure of Abuse**

Although staff are encouraged to be alert to the signs and signals which may indicate that someone is being abused, many incidents will only come to light because the person discloses this themselves. Bear in mind that a disclosure may take place many years after a traumatic event or when someone is afraid and this should not cast doubt on the person's truthfulness. The person to whom a disclosure is made may not necessarily be the person to take an investigation forward. So if you are told about abuse, you must respond sensitively and professionally and pass the information on to your line manager/senior manager within 24 hours -unless you suspect that they themselves may be implicated. If this is the case or you are concerned about their response, you should report your concerns directly to a Designated Officer or a Director. The decision may then be taken to report to the social services agency, or to the police or to The Care Quality Commission if it is a regulated service.

If someone discloses abuse to you, you should:

- 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:

- they did the right thing to tell you
- you are treating the information seriously
- the alleged abuse was not their fault
- you have to inform the appropriate person

### **REPORTING PROCEDURE**

#### **Recognising and Reporting Abuse**

Recognising abuse is not easy, and it is not the responsibility of council staff, elected members or volunteers to decide whether or not abuse has taken place or if there is significant risk. We do however have a responsibility to act if we think it may be happening.

If abuse or a safeguarding issue has arisen, it is the responsibility of all staff, Members and contractors to:

- Report concerns to line manager or designated officer as soon as possible

- Consider immediate safety issues of the person e.g. are emergency services needed
- Preserve evidence (there may be a crime)
- Record
  - Nature of concern
  - Date and time
  - Name of victim
  - Victims view and description in own words
  - Name of person causing harm if known
  - Appearance of victim
  - Any injuries observed
  - Any third party allegation
  - Any questions that have been asked
  - Whether you have spoken to anyone else
  - Your name, date and who record given to

### **Child and Adult at Risk – Safeguarding Incident Report Form**

Once the above facts have been gathered and recorded, the Safeguarding Incident Report Form needs to be completed by the person responding to the incident and actioned accordingly. An example of the Safeguarding Incident Report Form is included in Annex 5.

Keep all initial recordings/notes. It is very important that confidentiality should be maintained and other staff told if they have a need to know. When you have recorded the information, please sign and date and pass it on to your designated officer (Annex 4).

### **Recording of incidents and the role of the Designated Officer**

Designated officers are responsible for dealing with reports or concerns about the protection of children, young people and adults at risk. Each new designated officer will have appropriate training.

Designated officers / safeguarding leads, should establish

- The level of seriousness of the concern (significant harm)
- Any immediate safety needs
- Clarifying the facts
- The views of the person concerned and their capacity to consent to action, if known
- Alert/Referral to [KCC Social Care Team](#) or Kent Police – Call 101 (if a crime is suspected)

The Designated Officer may decide that a referral to KCC is necessary. If responding to a safeguarding issue that relates to a child, the designated officer will need to refer to the [Kent Support Levels Guidance Sheet](#) to establish the level of need. If Intensive or Specialist Support is needed at Level 3 or 4, then you will need to complete a [Single Request for Support Form](#). If you are responding to an adult safeguarding issue, complete a [Kent Adult Safeguarding Alert Form](#).

The line manager/ designated officer will need to consider any support required by staff involved. It is understood that recognising and responding to abuse can be distressing for staff.

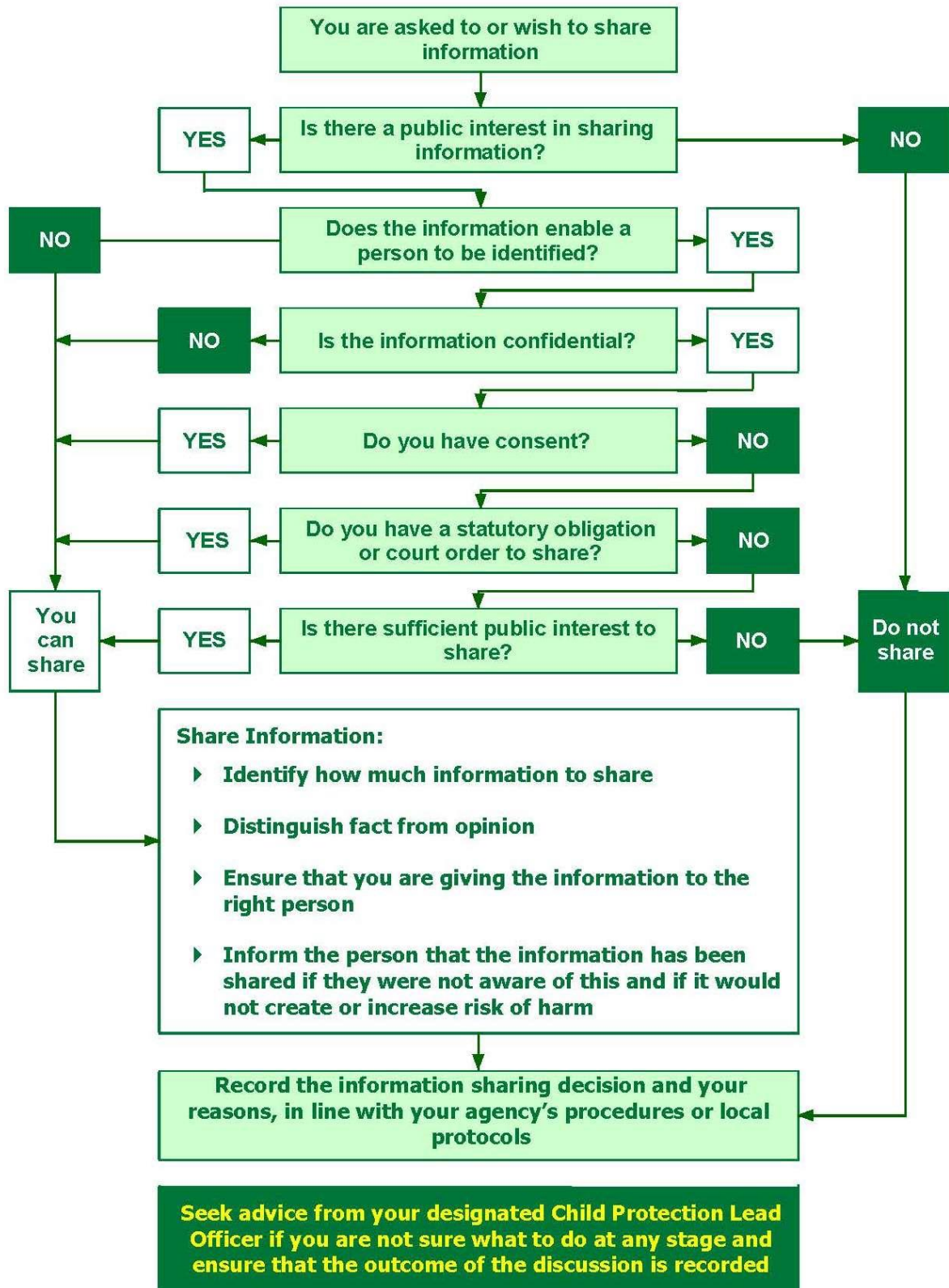
## **Information Sharing**

Information sharing is fundamental to safeguarding and promoting welfare. It enables intervention to tackle problems at an early stage. It is important to ask for consent to share confidential information unless: asking for consent may increase the risk of significant harm or a delay in sharing information may increase the risk of harm. If someone is at risk of suffering significant harm, the law supports you to share information without consent.

Further Government Advice is available: [Advice for practitioners providing safeguarding services to children, young people, parents and carers](#).

The following flowchart should be used by Designated Officers as a guide to determine when information needs to be shared.





## **Monitoring and Record Keeping**

The designated officer needs to ensure that a record is kept of any concerns about a child, young person or adult at risk and of any conversation or referral to statutory agencies. These details must be saved onto the Secure Safeguarding System. Designated safeguarding officers across all services have access to this system.

The outcomes of any referral need to be followed up and a record kept of the outcome or any next steps or follow up actions.

## **Safeguarding Task Group**

The Council has formed an officer level Safeguarding Task Group to carry out the monitoring and review processes who will report to the Council's Management Team and to the relevant Council Advisory Board to ensure Councillors are fully informed of safeguarding issues.

The Safeguarding Task Group will ensure the Council stay up to date with Safeguarding knowledge and best practice, remain in touch with relevant external safeguarding groups and pass on information accordingly. The meetings of the Task Group will be chaired by the Safeguarding Lead Officer who will report to the Chief Executive to ensure that the policy and any safeguarding trends are being monitored. A Member will also be appointed to act as a Champion for safeguarding.

## **Monitoring and Review of this policy**

The Borough Council is committed to monitoring the effectiveness of this policy on an annual basis. Where necessary, we will bring forward reviews and updates, for example, to reflect changes in legislation and advice and feedback from staff who have been involved in dealing with any safeguarding issues which have arisen over the previous year.

## **Annex 1 – Contractor Advice Note**

### **Incorporating Safeguarding Children and Vulnerable Adults into Contracts and Community Grant Awards**

#### Risk Assessed Approach

TMBC has a duty to safeguard children and vulnerable adults. This extends to parties that carry out services on the council's behalf. Contracts and grant award agreements give the council the opportunity to state their expectations and place obligations on the contractor about how we expect them to act.

Rather than applying a 'catch all' clause to all agreements, which in many cases would not be relevant to service being provided, it is instead recommended that the council adopts a risk assessed approach. Depending on the level of risk, the council can then include safeguarding clauses relevant to the service.

Level 1 – Services where the council directly contracts a third party to deliver services directly to children, young people and/or vulnerable adult.

Level 2 – Services where the council contracts a third party to deliver services to the public generally, but in the process is likely to come into regular contact with children, young people and vulnerable adults.

Level 3 – Services where there is no contact with children, young people or vulnerable adults or where there is contact it is indirect, peripheral and in a public space or environment.

#### Requirements

The conditions placed within the contract should provide meaningful controls proportionate to the level of risk. Where controls need to be applied they should require the contractor to take a positive action (e.g. provide safeguarding training to their staff) rather than a passive action (e.g. provide a copy of their safeguarding policy). The contract manager is responsible for ensuring these requirements are adhered to.

Level 1 –

Clauses should require the contractor to have DBS checks for staff, staff to be risk assessed according to access and appropriate training given.

The council should ask for confirmation of training is completed and details of scheduled refresh training. Regular contract monitoring meetings with the contractor should incorporate information exchange about safeguarding concerns or incidents.

Level 2 –

Inclusion of the following clauses: -

1. The contractor will risk assess their operation in term of the requirement to safeguard children and vulnerable adults. The contractor will put in place appropriate training for their staff.
2. The TMBC client officer for the agreement will act as a confidential point of contact in order for the contactor to notify incidents and safeguarding concerns to the council.

Level 3 –

No clauses needed.

## **Annex 2 – Summary of relevant legislation and Government guidance**

### 2014 Care Act

The 2014 Care Act extended the definition of a vulnerable adult for safeguarding purposes, placing Adult Safeguarding boards on a statutory footing, to spearhead safeguarding activity in a local area. Under the Act local authorities must: Investigate, if it believes an adult is experiencing, or is at risk of, abuse or neglect and if so, by whom; set up safeguarding adults boards, arrange where appropriate, for an independent advocate to represent and support the adult if s/he has “substantial difficulty” in being involved in the process and where there is no other suitable person to represent and support them; co-operate with each of its relevant partners to protect the adult. In their return each relevant partner must also co-operate with the local authority.

### What to do if you're worried a child is being abused - March 2015

This [HM Government Guidance](#) was produced to help practitioners identify child abuse and neglect and take appropriate action in response.

### [Working Together to Safeguard Children July 2018](#)

The Working Together to Safeguard Children guidance sets out the legislative requirements and expectations on individual services to safeguard and promote the welfare of children; and provides a clear framework for Local Safeguarding Children Boards (LSCBs) to monitor the effectiveness of local services. The guidance is issued under section 11 (4) of the Children Act 2004 and section 16 of the Children Act 2004.

### Kent & Medway Safeguarding Children Procedures 2015

The Children Act 2004 obliges named statutory agencies to co-operate so as to improve the 'well-being' of children in their area with respect to their, physical and mental health; protection from harm and neglect; education, training and recreation; contribution to society; and emotional, social and economic well-being. Specified agencies are also obliged to make arrangements to 'safeguard and promote the welfare of children' by means of direct or indirect service provision. The Kent & Medway Safeguarding Children Procedures contains comprehensive multi-agency policies and procedures that are fully compliant with law and best practice.

### Kent Safeguarding Children's Board – Guidance

This [Guidance Page](#) provides information and advice on handling specific safeguarding topics.

## Information Sharing: 2018

[Advice for practitioners providing safeguarding services to children, young people, parents and carers](#) Information sharing is key to the Government's goal of delivering better, more efficient public services that are coordinated around the needs of the individual. It is essential to enable early intervention and preventative work, for safeguarding and promoting welfare and for wider public protection.

The aim of the guidance, and associated materials, therefore is to support good practice in information sharing by offering clarity on when and how information can be shared legally and professionally, in order to achieve improved outcomes.

## Statutory Framework for the Early Years Foundation Stage

The Early Years Foundation Stage (EYFS) sets the standards that all early years providers must meet to ensure that children learn and develop well and are kept healthy and safe. The learning and development requirements (the seven areas of learning and development; the educational programmes; and the assessment requirements) and the legal requirements relating to welfare (child protection; suitable people; staff qualifications, training support and skills; key person, staff : child ratios; health; managing behaviour; safety and suitability of premises, environment & equipment, equal opportunities and information and records) apply to all children up until the 31 August after their fifth birthday.

## Childcare Register

The Childcare Register has two parts, the compulsory register which relates to those who care for at least one child from 1 September following their fifth birthday up to the age of eight for a period or total periods of more than two hours in any one day and the voluntary register for providers, who care for children aged eight or over, until their eighteenth birthday. If providers choose to be included on either part of the register they must meet the requirements set out at all times when providing childcare. The law allows Ofsted to carry out inspections to check that providers comply with these requirements.

## Sex Offenders Act 1997

The Sex Offenders Act 1997 requires sex offenders convicted or cautioned on or after 1 September 1997 to notify the police of their names and addresses and of any subsequent changes (known colloquially as the sex offenders register).

## Sexual Offences Act 2003

The Sexual Offences Act 2003 was introduced to update the legislation relating to offences against children. It includes the offences of grooming, abuse of

position of trust, trafficking, and covers offences committed by UK citizens whilst abroad. It also updates the Sex Offenders Act 1997 by strengthening the monitoring of sex offenders. The coalition government is currently consulting on further reform of the notification requirements for registered sex offenders (Home Office, 2011). Similar offences were introduced into other parts of the UK by the Sexual Offences (Scotland) Act 2009 and the Sexual Offences (NI) Order 2008.

#### [Rehabilitation of Offenders Act \(NI\) Order 1974 \(UK wide\)](#)

This Act/Order allows people not to declare convictions to employers which protects their privacy and counteracts prejudice against people with convictions seeking employment. However, people who are involved in situations where they have prolonged or sustained access to children are exempt from the Rehabilitation of Offenders legislation. This means that prospective employees, self-employed workers and volunteers must declare all criminal convictions relating to children, however long ago. These will be taken into account when deciding on their suitability for working with children.

#### [Protection of Freedom Acts 2012](#)

Chapter 1 of Part 5 amends the Safeguarding Vulnerable Groups Act 2006 which provides the framework for the vetting and barring scheme operated by the Independent Safeguarding Authority (ISA). In particular it changed the definition of 'regulated activity' and abolished the concept of 'controlled activity' which related to persons working (paid or unpaid) in ancillary posts or who had access to sensitive information relating to children.

#### [Disclosure and Barring Service \(DBS\)](#)

The DBS searches police records and, in relevant cases, barred list information, and then issues a DBS certificate to the applicant to help them make an informed recruitment decision. The checking service currently offers two levels of DBS check; standard and enhanced. The order allows for applications to be submitted to a standard level. To qualify for the higher level of DBS check, the position must also meet one of the criteria set out in The Police Act 1997 (Criminal Records) Regulations.

The DBS is committed to ensuring that they make fair, consistent and thorough barring decisions that are an appropriate response to the harm that has occurred and to the risk of harm posed. There are two main ways barring can come to them including autobars or referrals from an organisation that has a legal duty or power to make referrals to DBS when they have dismissed or removed an employee from working in regulated activity, following harm to a child or vulnerable adult or where there is a risk of harm. Additionally, where a person is cautioned or convicted of a relevant (automatic barring) offence with the right to

make representations, the DBS will ask the person to submit their representations and consider them before making a final barring decision.

At Tonbridge & Malling Borough Council the DBS process is managed by Personnel who will assist with determining eligibility, the level of check required and the frequency it needs to be renewed. This will be overseen by the Council's Management Team.

### [The Data Protection Act](#)

- Provides a comprehensive and modern framework for data protection in the UK, with stronger sanctions for malpractice.
- Sets new standards for protecting general data, in accordance with the GDPR, giving people more control over use of their data, and providing them with new rights to move or delete personal data.
- Preserves existing tailored exemptions that have worked well in the Data Protection Act 1998, ensuring that UK businesses and organisations can continue to support world leading research, financial services, journalism and legal services.
- Provides a bespoke framework tailored to the needs of our criminal justice agencies and the intelligence services, to protect the rights of victims, witnesses and suspects while ensuring we can tackle the changing nature of the global threats the UK faces.

### [Health and Safety at Work Act 1974](#)

This is the same for Northern Ireland and Wales

This Act gives all organisations a legal responsibility to prevent injuries and ill-health to employees and others, including members of the public. Much of this responsibility is delegated to managers who have control of work activities but the legislation also provides all employees with an obligation to take reasonable care of themselves.

The Council also has a duty to consider the suitability of the Health & Safety arrangements for any organisation undertaking any work on our behalf.

### [Equality Act 2010](#)

The Equality Act brings together nine separate pieces of legislation into one single Act providing a new cross-cutting legislative framework to protect the rights of individuals and advance equality of opportunity for all; to update, simplify and strengthen the previous legislation; and to deliver a simple, modern and accessible framework of discrimination law which protects individuals from unfair treatment and promotes a fair and more equal society.



### Annex 3 – Recognising Potential Indicators of Abuse

<b>Recognising Potential Indicators of abuse</b>		
<b>Type of Abuse</b>	<b>Who it affects</b>	<b>Signs of abuse /Behaviour Indicator</b>
<p><b>Emotional</b> – acts or behaviour which impinges on the emotional health of, or which causes distress or anguish to individuals. This may also be present in other forms of abuse</p>	<ul style="list-style-type: none"> <li>• Children</li> <li>• Young People</li> <li>• Vulnerable Adults</li> </ul>	<ul style="list-style-type: none"> <li>• Threats of harm or abandonment</li> <li>• Humiliation, shaming or ridicule</li> <li>• Harassment, bullying, intimidation</li> <li>• Control or coercion</li> <li>• Deprivation of choice or privacy</li> <li>• Deliberate social isolation</li> <li>• Infantilisation – treating an adult like a child</li> <li>• Disturbed sleep or tendency to withdraw to a room or to bed</li> <li>• Loss of appetite or over eating especially at inappropriate times</li> <li>• Anxiety confusion or general resignation</li> <li>• Extreme submissiveness or dependency in contrast to known capacity</li> <li>• Sharp changes in behaviour in the presence of certain persons</li> <li>• Excessive or inappropriate craving for attention</li> <li>• Self-abusive behaviour – self mutilation, head banging, hand biting</li> <li>• Loss of weight without apparent loss of appetite</li> <li>• Loss of confidence</li> </ul>
<p><b>Neglect and acts of omission</b> – ignoring or withholding physical or medical care needs which result in a situation or environment detrimental to individual(s)</p>	<ul style="list-style-type: none"> <li>• Children</li> <li>• Young People</li> <li>• Vulnerable Adults</li> </ul>	<ul style="list-style-type: none"> <li>• Withholding help or support necessary to carry out daily living tasks</li> <li>• Ignoring medical and physical care needs</li> <li>• Failing to provide access to health, social or educational support</li> <li>• The withholding of medication, nutrition and heating</li> <li>• Keeping someone in isolation.</li> <li>• Failure to intervene in situations that are dangerous to the vulnerable person.</li> <li>• Inadequate supervision and guidance – leaving the child to cope alone, abandoning them or leaving them with inappropriate carers and failing to provide appropriate boundaries about behaviours such as under age sex or alcohol</li> <li>• Poor hygiene and cleanliness of a person who has assistance with their personal care</li> <li>• Unkempt or unsuitable clothing for the weather conditions/environment</li> <li>• Untreated illness or condition</li> <li>• Dehydration, weight loss, malnutrition</li> <li>• Repeated infections</li> <li>• Repeated/unexplained falls or trips</li> <li>• Worsening of health conditions                             <ul style="list-style-type: none"> <li>• Pressure sores</li> <li>• Mentioning their being left alone or unsupervised</li> <li>• Sore or extreme nappy rash</li> <li>• Skin infections</li> </ul> </li> </ul>

<p><b>Physical</b> – the non-accidental infliction of physical force that results (or could result) in bodily injury, pain or impairment</p>	<ul style="list-style-type: none"> <li>• Children</li> <li>• Young People</li> <li>• Vulnerable Adults</li> </ul>	<ul style="list-style-type: none"> <li>• An inflicted physical injury, which is not satisfactorily explained</li> <li>• An injury where there is knowledge or suspicion that it was inflicted intentionally or through lack of care</li> <li>• Assaults on the body including hitting, slapping, pushing, kicking, resulting in injuries such as burns, abrasions, fractures, dislocation, welts, wounds or marks of physical restraint</li> <li>• Misuse of medication or medical processes, e.g. catheterisation</li> <li>• Inappropriate restraint or inappropriate actions or in actions</li> <li>• Multiple bruising that is inconsistent with the explanation given</li> <li>• Cowering and flinching</li> <li>• Bruises or marks resulting from a slap or kick</li> <li>• Abrasions, especially to neck, wrists and/or ankles</li> <li>• Unexplained burns</li> <li>• Scalds</li> <li>• Hair loss in one area, scalp sore to touch</li> <li>• Unusually sleepy or docile</li> <li>• Unexplained fractures</li> <li>• Frequent hopping from one GP to another or from one care agency to another</li> <li>• Untypical self-harm, emotional distress, low self esteem</li> </ul>
<p><b>Sexual</b></p>	<ul style="list-style-type: none"> <li>• Children</li> <li>• Young People</li> <li>• Vulnerable Adults</li> </ul>	<ul style="list-style-type: none"> <li>• Rape</li> <li>• Indecent assault</li> <li>• Indecent exposure</li> <li>• Exposure to inappropriate sexual behaviour or images/material</li> <li>• Sudden or unexplained changes in behaviour e.g. becoming aggressive or withdrawn</li> <li>• Fear of being left with a specific person or group of people</li> <li>• Having nightmares</li> <li>• Running away from home</li> <li>• Sexual knowledge which is beyond their age or development age</li> <li>• Sexual drawings or language</li> <li>• Bedwetting</li> <li>• Saying they have secrets they cannot tell anyone about</li> <li>• Self-harm or mutilation, sometimes leading to suicide attempts</li> <li>• Eating problems such as overeating or anorexia</li> </ul>
<p><b>Bullying</b></p>	<ul style="list-style-type: none"> <li>• Children</li> <li>• Young People</li> <li>• Vulnerable Adults</li> </ul>	<ul style="list-style-type: none"> <li>• Hitting, kicking and theft</li> <li>• Name calling, teasing, sarcasm, racist or homophobic taunts, threats, graffiti and gestures</li> <li>• Tormenting, ridiculing, humiliating and ignoring</li> <li>• Unwanted physical contact or abusive comments</li> <li>• Behavioural changes such as reduced concentration and/or becoming withdrawn,</li> </ul>

		<p>clingy, depressed, tearful, erratic mood swings, reluctance to go to school, training or clubs, a drop in performance.</p> <ul style="list-style-type: none"> <li>• Physical signs such as stomach aches, difficulty sleeping, bed wetting, damaged clothes, bingeing on food, cigarettes or alcohol.</li> <li>• Shortage of money or frequent loss of possessions</li> </ul>
<p><b>Financial</b> – unauthorised, fraudulently obtaining and improper use of funds, property or any resources of a vulnerable person</p>	<ul style="list-style-type: none"> <li>• Vulnerable Adults</li> </ul>	<ul style="list-style-type: none"> <li>• Theft, fraud, exploitation</li> <li>• Pressure in connection with wills, property, inheritance or financial transactions</li> <li>• Extortion of money, property and possessions by threat, coercion or fraudulent means</li> <li>• Refusal to let the vulnerable person have access to their own money, property or possessions</li> <li>• The perpetrator befriending the victim and then using their position of trust to gain financially from the victim – moving into their house to 'care' for them, becoming their appointee/attorney.</li> <li>• Being over charged for services or tricked into receiving goods or services that they do not want or need.</li> </ul>
<p><b>Discriminatory Abuse</b> – exists when values, beliefs or culture result in a misuse of power that denies mainstream opportunities to some groups or individuals</p>	<ul style="list-style-type: none"> <li>• Vulnerable Adults</li> </ul>	<ul style="list-style-type: none"> <li>• Unequal treatment</li> <li>• Verbal abuse</li> <li>• Inappropriate use of language</li> <li>• Harassment</li> <li>• Exclusion</li> <li>• Discrimination on the basis of race, gender, age, sexuality, disability, religion</li> </ul>
<p><b>Institutional Abuse</b> – for example where the culture of a care home places emphasis on the running of the establishment and the needs of the staff above needs and care of the vulnerable person</p>	<ul style="list-style-type: none"> <li>• Vulnerable Adults</li> </ul>	<ul style="list-style-type: none"> <li>• Abuse by an organisation imposing rigid and insensitive routines; poor practices embedded in systems, unskilled, intrusive or invasive interventions; or an environment allowing inadequate privacy or physical comfort</li> </ul>

#### Annex 4: Designated Officers

<b>Name</b>	<b>Phone</b>	<b>Email</b>
Gill Fox	6077	<a href="mailto:gill.fox@tmbc.gov.uk">gill.fox@tmbc.gov.uk</a>
Stephen Gregg	6165	<a href="mailto:stephen.gregg@tmbc.gov.uk">stephen.gregg@tmbc.gov.uk</a>
Alison Finch	6247	<a href="mailto:alison.finch@tmbc.gov.uk">alison.finch@tmbc.gov.uk</a>
Anthony Garnett	6151	<a href="mailto:anthony.garnett@tmbc.gov.uk">anthony.garnett@tmbc.gov.uk</a>
Mathew Brooks	6105	<a href="mailto:Mathew.brooks@tmbc.gov.uk">Mathew.brooks@tmbc.gov.uk</a>
Andrew Rosevear	6143	<a href="mailto:andrew.rosevear@tmbc.gov.uk">andrew.rosevear@tmbc.gov.uk</a>
Jason Wheble	6259	<a href="mailto:jason.wheble@tmbc.gov.uk">jason.wheble@tmbc.gov.uk</a>
Claire Potter	6321	<a href="mailto:Claire.Potter@tmbc.gov.uk">Claire.Potter@tmbc.gov.uk</a>
Claire Keeling	6223	<a href="mailto:Claire.Keeling@tmbc.gov.uk">Claire.Keeling@tmbc.gov.uk</a>

**Annex 5  
Children and Adults at Risk - Safeguarding Incident  
Reporting Form**



This form is used for reporting both suspicions and disclosures of possible abuse; therefore not all sections may be appropriate. Please complete with as much information as possible, using verbatim reports from people involved where possible. This information will be treated in the strictest confidence.

<b>About you, the reporter</b>	
Your name:	
Your job role:	
Your telephone number and email address:	
Are you reporting the concern on behalf of someone else?	
If yes to above, what is their name and their position?	
What involvement have you had? (Have you had contact with family/ other professionals etc)	
<b>About the child, young person or vulnerable adult</b>	
Name:	
Age and date of birth:	
Gender:	
Address, telephone and email contact details:	
Housing tenure (Housing Association/Council private rented/ owner occupier):	
Ethnic and/or religious background:	
Disabilities or other special factors:	
<b>About the person's family/ support network</b>	
Who is the person's next of kin?	
Address, telephone and email contact details:	
Names of other people living at the address or significantly involved:	

<b>About the concern</b>	
What has happened/ what are your concerns? (Please give full details, using verbatim reporting where possible and include physical or behavioural indicators)	
Have you or anyone else involved spoken to the person or with their parents/ family/ others involved? If so, what was discussed (record this verbatim where possible)? <i>Remember, you are not expected to undertake investigations so don't worry if you don't know.</i>	
Dates and times of significant events:	
<b>About the alleged abuser, if known</b>	
Name:	
Job position/ role:	
Address, telephone and email contact details:	
<b>About other agencies involved</b>	
Are you aware of any other services or professionals who are involved with the person?	
Name of agency and professional:	
Address, telephone and email contact details:	
Details of involvement and any advice you have received with dates:	
<b><i>For Designated Safeguarding Officer use only</i></b>	
<i>DSO name:</i>	
<i>Date, time, venue/ method of initial staff report regarding suspicions, concerns or disclosure relating to safeguarding: Who was present:</i>	
<i>Date, time and venue of Incident Reporting Form handover: Who was present:</i>	
<i>Notes regarding DSO follow up actions:</i>	

## **Annex 6 – Useful Contacts / Links**

**KCC Social Services** (available 24 hours a day, 7 days a week).

During the day and in office hours: Concern relating to Adults: 03000 41 61 61 or email [social.services@kent.gov.uk](mailto:social.services@kent.gov.uk) . Concern relating to a Child: 03000 41 11 11 or email [social.services@kent.gov.uk](mailto:social.services@kent.gov.uk).

Out of hours and in an emergency: 03000 41 91 91

If you think someone is in immediate danger, call 999

**Police** – Call 101 for information and advice or 999 in an emergency

**NSPCC Childline** – if you are worried about a child call: 0800 1111 or report directly onto the [website](#)

**Action on Elder Abuse** – 0808 808 8141 or [enquiries@elderabuse.org](mailto:enquiries@elderabuse.org)

**Kent Safeguarding Children's Board** – 03000 421126 or [kscb@kent.gov.uk](mailto:kscb@kent.gov.uk)

**Victim Support** – 0808 1689 111

**Age UK** - 0800 055 6112