



**SHERBURN IN ELMET  
TOWN COUNCIL**

# **Safeguarding Policy**

**Adopted: 26 September 2022  
Review: September 2023**

## **Policy Statement**

Sherburn in Elmet Town Council is committed to safeguarding all children and adults at risk that come into contact with the Council's work or services. The Council believes that all children and adults at risk have an equal right to protection from abuse, emotional abuse and neglect regardless of their age, race, religion, ability, gender, language, background or sexual identity and considers their welfare to be paramount.

Sherburn in Elmet Town Council has a responsibility to protect children and at-risk adults from the possibility of being abused within the authority and to act if allegations of abuse are made or becomes apparent.

The Council will recruit staff, volunteers and councillors safely, by following application and interview procedures, sourcing references, checking ID and right to work requirements, completing induction processes and obtaining criminal records checks from the Disclosure and Barring Service for eligible posts.

The Council will respond promptly and appropriately to all suspicions or allegations of abuse.

The Council has a procedure for investigating concerns about possible abuse and taking appropriate action to manage the situation and prevent any recurrence.

The Town Council's Executive Officer / Clerk is the Council's appointed Designated Safeguarding Person. The Personnel Committee will oversee the implementation of this policy.

This policy statement should be read alongside our Employee Handbook and policies and procedures on our website. These include our adopted Code of Conduct, Complaints, Retention & Disposal of Documents, and Equal Opportunities policies, as well as internal policies on the handling of Grievances

and Discipline, Dignity at Work and Health & Safety.

This policy applies to all employees, councillors and volunteers who act on behalf of Sherburn in Elmet Town Council.

## **Legislative Framework**

This policy statement defines a child or young person as anyone under the age of 18 and recognises that:

- The welfare of the child is paramount in all decisions regarding children and young people, as enshrined in the Children Act (1989, 2004);
- All children, regardless of age, disability, gender, racial heritage, religious belief, sexual orientation or identity, have a right to equal protection from all types of harm or abuse;
- Some children are additionally vulnerable because of the impact of previous experiences, their level of dependency, communication needs or other issues;
- Some groups of children, such as some with disabilities or some from minority ethnic backgrounds or experiencing poverty, can be excluded from mainstream services;
- Working in partnership with children, young people, their parents, carers and other agencies is essential in promoting young people's welfare.

Adults of any age over 18 years may be vulnerable at different times in their lives. The principles outlined above in relation to children, also apply to the Council's approach to safeguarding adults. In terms of a legal framework, the arrangements for those over 18 are governed by the Care Act (2014). This Act stipulates that statutory safeguarding duties apply to an adult who:

- has care and support needs, and;
- is experiencing, or at risk of, abuse or neglect, and;
- as a result of those care and support needs, is unable to protect themselves from either the risk of, or the experience of, abuse or neglect.

The term 'adult at risk' is used in the Council's procedures, on occasion reduced to 'adult' where it is a process. This has the same implication and meaning as 'vulnerable adult' but is the preferred terminology because the term 'vulnerable adult' may wrongly imply that some of the fault for the abuse lies with the adult abused and that characteristics such as a disability make a person inherently vulnerable. The use of the term 'adult at risk' reflects the fact that all adults may, on occasion, be 'at risk' or 'vulnerable'.

## **Volunteer, Employee and Councillor Responsibilities**

Volunteers, employees and councillors are not expected to be experts in this field, but it is their responsibility to:

- Read and understand this policy.
- Take seriously and respond to any allegations made.
- Be alert to possible signs of abuse and be aware of and follow this policy.
- Ensure their own conduct and behaviour towards children, young people and vulnerable adults is appropriate.
- Promote the Council's values of a safe culture where children, young people and adults at risk are respected, valued and listened to, and where safeguarding concerns are taken seriously.

## Safeguarding Procedure

1. If you or the person you are concerned about is in danger and immediate action is required, you should ring the emergency services on 999.
2. Report concerns as soon as possible to the Designated Person (DP). If the DP cannot be contacted and it is urgent, the relevant team within North Yorkshire County Council should be contacted at the number given below.
3. The DP will record details of the concern, the action taken and any other facts:
  - The date and time of receiving the information
  - The name, role and contact details of the person providing the information
  - The name, age or date of birth, and address of the person(s) who may be at risk of abuse
  - The nature of the concern
  - If someone specific is thought to have harmed or be at risk of harming the child or adult, the name and details for that person
  - Names, addresses and contact details of the child's parents/carers or adult's family/carers
  - Whether the parents/carers/family are aware of the concern
  - If known, what the child or adult at risk would like to happen
  - Any other relevant information (e.g. history of previous concerns, medical/care needs of the child or adult at risk)
  - The DP's name and role at the Council
  - Signature of DP and date of report
4. If the suspicions relate to the DP, then the NYCC Team should be contacted directly.
5. Suspicions should not be discussed with anyone else.
6. You should respect a child, young person or adult at risk's privacy whenever possible. But if you have concerns about a child's welfare or think they may be at risk of serious harm, you must follow our safeguarding procedure and share this information with people who can help. *More information on about this can be found in the Consent and Capacity section of this policy, below.*
7. The DP will take advice from the appropriate NYCC Team. If a referral is made the DP will carry out all related requirements within the set timescales.
8. It is the right of any individual to make direct referrals to the safeguarding agencies if they feel the Council has not responded appropriately to their concerns.
9. If someone external to the Council wants to raise a safeguarding concern about a member of staff, a member of the Council or a volunteer they should be referred to the DP in the first instance.

## Designated Person's Duties

- Investigate concerns that fall within this policy, take action and record the facts.
- Liaise with statutory agencies as appropriate.
- Ensure induction and ongoing training adequately deals with safeguarding issues.
- Ensure policy and practice are updated in light of specialist guidance.
- Communicate the Council's policy to people/agencies using Council facilities.

## Contact Information

Sherburn in Elmet Town Council's Designated Person for Safeguarding is the Executive Officer / Clerk, who can be contacted on 07588 437512.

The North Yorkshire Multi-Agency Screening Team for children and the Safeguarding Adults Board can be contacted through North Yorkshire County Council's Customer Resolution Centre on 01609 780780.

## **Understanding Child Abuse**

Abuse and neglect are forms of maltreatment of a child or young person. They may result in a child suffering or being likely to suffer significant harm. Somebody may abuse or neglect a child by inflicting harm, or by failing to act to prevent harm. Children may be abused in a family or in an institutional or community setting, by those known to them or, more rarely, by a stranger. They may be abused by an adult, or another child or children. Government guidance 'Working Together to Safeguard Children' (2018) defines various forms of abuse, including:

### **Physical abuse**

Physical abuse may involve hitting, shaking, throwing, poisoning, burning or scalding, drowning, suffocating, or otherwise causing physical harm to a child. Physical harm may also be caused when a parent or carer fabricates the symptoms of, or deliberately induces, illness in a child.

### **Emotional abuse**

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

### **Sexual abuse**

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

## **Neglect**

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

- Provide adequate food, clothing and shelter (including exclusion from home or abandonment);
- Protect a child from physical and emotional harm or danger;
- Ensure adequate supervision (including the use of inadequate care givers); or
- Ensure access to appropriate medical care or treatment.

It may also include neglect of, or unresponsiveness to, a child's basic emotional needs.

## **Specific forms of abuse**

As suggested under the 'Sexual Abuse' heading above, it should be noted that perpetrators are increasingly using online methods to access children and young people as well as to indulge in abuse by creating or downloading abusive images of them. Other forms of abuse that have come to public attention relatively recently have included the sexual exploitation of children and young people for commercial gain, forms of modern slavery, and abuse linked to cultural or religious belief (such as female genital mutilation, honour violence, forced marriage, radicalisation or abuse associated with a belief in spiritual possession).

## **Abuse of a position of trust**

This is a legal concept within The Sexual Offences Act 2003. It involves an adult of 18 or over engaging in sexual activity with or in the presence of a child or young person under 18, where the older person is in a position of responsibility towards the child or young person in one of a variety of settings, including a 'workplace setting'. The concept also covers 'causing or inciting a child' to engage in sexual activity, and 'causing a child to watch a sexual act'.

## **Responsibilities under Working Together to Safeguard Children (2018)**

Under Chapter 1 of this statutory guidance it is the responsibility for staff and volunteers working for or on behalf of the Council to share information and work together with statutory partners if they have concerns that a child or young person may be at risk of abuse or neglect.

## Understanding Adult Abuse

There are many different types of abuse affecting adults. They include:

### Physical

This is 'the use of force which results in pain or injury or a change in a person's natural physical state' or 'the non-accidental infliction of physical force that results in bodily injury, pain or impairment'. It may include behaviours like the misuse of medication, inappropriate restraint or the use of inappropriate sanctions, as well as the actions more commonly associated with physical abuse, such as slapping, pushing, etc.

### Sexual

Examples of sexual abuse include the direct or indirect involvement of the adult at risk in sexual activity or relationships which they do not want or have not consented to. Specific behaviours could include:

- rape
- indecent exposure
- sexual harassment
- inappropriate looking or touching
- sexual teasing or innuendo
- sexual photography
- subjection to pornography or witnessing sexual acts
- indecent exposure
- sexual assault
- putting pressure on the adult to consent to sexual acts

### Emotional and psychological

This is behaviour that has a harmful effect on the person's emotional health and development, or any form of mental cruelty that results in mental distress, the denial of basic human and civil rights such as self-expression, privacy and dignity. Specific behaviours might include:

- threats of harm or abandonment
- deprivation of contact
- humiliation
- blaming
- Controlling
- Intimidation
- Coercion
- Harassment
- verbal abuse
- Cyberbullying
- Isolation
- unreasonable and unjustified withdrawal of services or supportive networks

## **Organisational**

Institutional abuse is the mistreatment or neglect of an adult at risk by a regime, or individuals within settings and services, that adults at risk live in or use. It may include care or support provided in the person's own home. Such abuse violates the person's dignity, resulting in lack of respect for their human rights. It may range from one-off incidents to ongoing ill-treatment. It can be through neglect or poor professional practice as a result of the structure, policies, processes and practices within an organisation.

## **Discrimination**

This type of abuse may include:

- discrimination based on gender, race, colour, language, culture, religion, politics or sexual orientation
- discrimination based on a person's disability or age
- harassment and slurs which are degrading
- hate crime

## **Financial and material**

This is the use of a person's property, assets, income, funds or any other resources without their informed consent or authorisation. It may include:

- theft
- fraud
- internet scamming
- exploitation or coercion in relation to an adult's financial affairs or arrangements, including in connection with wills, property, inheritance or financial transactions
- the misuse or misappropriation of property, possessions or benefits

## **Neglect and acts of omission**

Examples of this might include:

- ignoring medical, emotional or physical care needs
- failure to provide access to appropriate health, care and support or educational services
- the withholding of the necessities of life, such as medication, adequate nutrition and heating

## **Self-neglect**

This covers a wide range of behaviour neglecting to care for one's personal hygiene, health or surroundings and includes behaviour like hoarding.

It should be noted that the legislation and guidance makes it clear that this list is not exhaustive and that those working with adults at risk should be open to the possibility of other forms of abuse.

## Consent and Capacity

Managing issues of consent to the sharing of information is a critical difference between safeguarding children and young people under 18, and safeguarding those who are legally adults.

Any adults with care and support needs who become directly involved with the Council should be made aware at the earliest opportunity that the Council's approach to safeguarding is to share information with those who need to know both within the organisation and externally if there is a concern that an adult is at risk. They should also be informed that sharing information externally normally only happens after discussion with the adult at risk and with their consent, but that there may be occasions when it has to happen without the person's consent. They should be asked if this general principle is one which they feel able to support.

A person's agreement to the general principle of sharing information in situations where there is a safeguarding concern is not a substitute for their consent being sought if a safeguarding concern actually emerges. If this happens and they give consent to the information being shared, this consent by the adult should, where possible, take the form of something explicit such as signing a consent form.

Where an adult who is capable of giving consent to information being passed on to a statutory safeguarding authority declines to do so, the Council's DP will consider whether 'vital interests' are at stake under the terms of the General Data Protection Regulations. For example, this may include situations where the person is in imminent or serious danger, or another person is in danger (including a child of the adult at risk or any other child or adult) or a crime has been or is about to be committed. If the DP feels that any of these circumstances may apply, a referral to the local authority should be made even without the consent of the adult.

The Mental Capacity Act (2005) provides a statutory framework to empower and protect people who may lack capacity to make decisions for themselves. The principles of the Act state that an adult at risk:

- has the right to make their own decisions and be assumed to have capacity unless proved otherwise;
- must receive all appropriate help and support to make decisions;
- has the right to make eccentric or unwise decisions (in the opinion of others), and that;
- decisions made on behalf of a person who lacks mental capacity must be done in their best interests and be the least restrictive of their basic rights and freedoms.

In addition, decisions are time and decision-specific. This means that a person may be able to make a certain decision, but not others, at a particular point in time. Decision-making ability may fluctuate over time.

Therefore, the Council's DP will also pass on information where it appears that the adult at risk may lack mental capacity to consent to this, or may be being coerced to withhold consent. The Local Authority will then consider who can obtain a 'best interests' decision and how it can be made. Procedures advise that the local authority will do this after full consideration of the Mental Capacity Act Code of Practice and also of the extent of appropriate involvement from the family and/or carers of the adult at risk.



## **Specific factors relevant to safeguarding young adults as distinct from older people:**

- Young people do not suddenly stop needing safeguards when they reach their 18th birthday – their legal status might change but independence is a gradual process that starts at birth and goes on well into adulthood.
- Service providers, including the Town Council, continue to have a duty of care to the young people that use their services, even after those young people are 18. However, young adults who may have previously received health or local authority services (for example, those who have been ‘in care’ or ‘looked after’ by a local authority) may find that on attaining 18 years, these services are withdrawn and they are in danger of ‘falling through the net’ and of being denied services they require on an ongoing basis.
- Some young adults are ‘at risk’ or ‘vulnerable’ to a greater extent than most others, due to issues already listed. These risk factors may exist singly or in combination, and, in some cases, could be triggered by or exacerbate the vulnerability of young people who are already trying to deal with the normal pressures of young adult life; there may be complex causal pathways and relationships between some of the various factors.
- A young adult (or indeed anyone) who may be considered by others to be at risk, may not think of themselves as vulnerable, and may in fact feel insulted at being viewed in this way. It is, therefore, important to take into account the perceptions and feelings of a young adult whom you deem to be vulnerable but who prefers not to be placed in this category. Care and sensitivity should be used if you find that there are safeguarding concerns relating to them.
- Some young adults at risk of abuse are also young parents, thus their children (or unborn children) may also be at risk of abuse or harm.