

CANNOCK CHASE COUNCIL
CHILDREN AND YOUNG PEOPLE SELECT COMMITTEE

5TH AUGUST 2008

REPORT OF THE DEPUTY CHIEF EXECUTIVE

DRAFT CHILDREN, YOUNG PERSONS AND VULNERABLE ADULTS PROTECTION POLICY

1. Purpose of Report

- 1.1 To present the Children and Young People Select Committee and updated draft policy concerning the protection of children, young persons and vulnerable adults following consultation.

2. Recommendations

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| 2.1 That the Children and Young People Select Committee comments on the content of the draft policy. |
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3. Key Issues

- 3.1 Primarily the statutory framework and responsibilities in respect of the protection of children arise from the Children's Act 1989 and the Children Act 2004. This most recent Act sets out the process for integrating services to children so that every child can achieve the five outcomes laid out in the "Every Child Matters" green paper: be healthy; stay safe; enjoy and achieve; make a positive contribution and achieve economic well-being. The Act places a duty on local authorities to appoint a director of children's services and an elected lead member for children's services, who will be ultimately accountable for the delivery of services.
- 3.2 The draft policy is wide ranging in scope and has been widely consulted upon during the last few months. To this end it was previously submitted to the Children and Young People Select Committee for comment prior to finalising and adopting the policy. The policy has also been circulated to a number of other interested parties for comment including the recognised trade unions, managers within the organisation and Group Leaders.

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Section 1

Background

The protection of children and vulnerable adults is of primary importance for any Council delivering services to the public.

The recently agreed CRB policy addresses issues related to child protection in the context of employment and now a draft "Children, Young People and Vulnerable Adult Protection" policy is submitted to the children and Young People Select Committee for the purposes of consultation prior to the completion and formal adoption the policy. The draft policy has also been circulated for comment to a number of other stakeholders including the recognised trade unions and managers within the Council.

Section 2

Details of Matters to be Considered i.e. Options Considered, Outcome of Consultations etc.

Primarily the statutory framework and responsibilities in respect of the protection of children arise from the Children's Act 1989. The Act sets out in detail what local authorities and the courts should do to protect the welfare of children. It charged local authorities with the "duty to investigate ... if they have reasonable cause to suspect that a child who lives, or is found, in their area is suffering, or is likely to suffer, significant harm" (section 47). Local authorities were also charged with a duty to provide "services for children in need, their families and others" (section 17).

More recently the Government's response to the 2002 Victoria Climbié Inquiry report was the "Every Child Matters" programme, which in turn led to the Children Act 2004. The Children Act 2004 sets out the process for integrating services to children so that every child can achieve the five outcomes laid out in the "Every Child Matters" green paper:

- be healthy;
- stay safe;
- enjoy and achieve;
- make a positive contribution and
- achieve economic well-being.

The Act places a duty on local authorities to appoint a director of children's services and an elected lead member for children's services, who will be ultimately accountable for the delivery of services. It places a duty on local authorities and their partners (including the police, health service providers and the youth justice system) to co-operate in promoting the well-being of children and young people and to make arrangements to safeguard and promote the welfare of children. It puts the new Local Safeguarding Children Boards on a statutory footing (replacing the non-statutory Area Child Protection Committees) and paves the way for the setting up of information sharing databases.

The "Children, Young Person and Vulnerable Adult Protection Policy has been drafted in order to ensure that the 5 objectives are met. It has been circulated for consultation purposes and the feedback from those consultations has been incorporated into the policy. Many of the comments received concerned matters of clarity and consistency rather than specific alterations to the provisions outlined in the policy document. One significant suggestion is that the policy should be summarised into a short leaflet that can be given out to members of the public. Directors Management Team approved this approach and such a leaflet will be produced shortly.

A framework is in place for the protection of vulnerable adults and this is enshrined both in the Care Standards Act 2000 and the Protection of Vulnerable Adults Scheme.

The wide-ranging draft policy in particular sets out a number of principles in relation to;

- Recruitment
- Recognising abuse
- Responding to disclosures of abuse and reporting mechanisms
- Training
- Employee and other representative roles and responsibilities

Section 3

Contribution to CHASE

The proposed policy contributes directly to the CHASE objective relating to children and young people by setting out specific arrangements for ensuring the protection of children in receipt of the Council's services.

Section 4

Section 17 (Crime Prevention) Implications

There are no specific crime prevention implications

Section 5

Human Rights Act Implications

There are no specific Human Rights Act implications.

Section 6

Data Protection Act Implications

There are significant data protection implications in respect of the application of this policy. Within recruitment practices the Council is required to adhere to the CRB code of conduct and this code has been taken into account both in the development of the Children, Young Persons and Vulnerable Adults Protection Policy and in the related CRB policy. In addition the draft policy undertakes maintain strict adherence to confidentiality such that any incidents or allegations are dealt with and come to the attention of only those people who need to know.

Section 7

Risk Management Implications

The implementation of the draft policy along with the associated procedures and recommended practices – particularly in relation to training of staff and use of robust reporting mechanisms - will assist with addressing a high-risk area for the Council

Section 8

Legal Implications

The Children Act 2004 ('the Act'), section 10 sets out the obligations upon the Council together with partner organisations to promote co-operation between themselves to improve the well-being of children.

Section 10 of the Act provides:

(1) Each children's services authority in England must make arrangements to promote co-operation between—

- (a) the authority;
- (b) each of the authority's relevant partners; and
- (c) such other persons or bodies as the authority consider appropriate, being persons or bodies of any nature who exercise functions or are engaged in activities in relation to children in the authority's area.

The scope and remit of the obligations arising under subsection (1) above, have been defined under subsection 10(2) of the Act which states, with regards:

(2) The arrangements are to be made with a view to improving the well-being of children in the authority's area so far as relating to—

- (a) physical and mental health and emotional well-being;
- (b) protection from harm and neglect;
- (c) education, training and recreation;
- (d) the contribution made by them to society;
- (e) social and economic well-being.

The Council also has obligations arising in respect of vulnerable adults. There is not specific definition of 'vulnerable' but the *Police Act 1997 (Enhanced Criminal Record Certificates) (Protection of Vulnerable Adults) Regulations 2000* defined '**vulnerable adult**' as a person aged 18 or over who is receiving services of a type listed at (1) below and in consequence of a condition of a type listed in paragraph (2) below or has a disability of a type listed in paragraph (3) below.

(1) The services are:

- a. Accommodation and nursing or personal care in a care home
- b. Personal care or nursing or support to live independently in his/her own home
- c. Any services provided by an independent hospital, independent clinic, independent medical agency or NHS body;
- d. Social care services

e. Any services provided in an establishment catering for a person with learning difficulties

(2) The conditions are:

- a. A learning or physical disability;
- b. A physical or mental illness, chronic or otherwise, including an addiction to alcohol or drugs
- c. A reduction in physical or mental capacity

(3) The disabilities are:

- a. A dependency upon others in the performance of, or a requirement for assistance in the performance of, basic physical functions;
- b. Severe impairment in the ability to communicate with others;
- c. Impairment in a person's ability to protect him/herself from assault, abuse or neglect.

The Law Commission, 'Making Decisions' Lord Chancellors Dept 1999 defined a '**vulnerable adult**' as 'someone over 16 who is or may be in need of community care services by reason of mental or other disability, age or illness and who is or may be unable to take care of him/herself or unable to protect him/herself against significant harm or exploitation'.

The scope and interpretation of who could be deemed a 'vulnerable adult' is therefore wide and it is important that Council officers are able to identify such persons when undertaking their duties.

The introduction of the policy assists the Council discharge its statutory obligations to children and vulnerable adults. It is important that the Council is not only able to demonstrate a consistent and comprehensive approach in ensuring that those children and vulnerable adults in need are identified but ensure that a robust and clear framework is in place to enable effective and timely action so as to safeguard the well-being of such persons.

Section 9

Financial Implications

The primary area where they may be financial implications arising from this policy will be in relation to training of personnel in child and vulnerable adult protection procedures.

Section 10

Human Resource Implications

Training and development on child protection issues is a key principle within the policy and a robust training programme for employees, managers and child/vulnerable adult protection officers will need to be put in place once the policy is finalised.

Section 11

Conclusions

The draft policy is designed to set out the Council's approach to the protection of children and vulnerable adults in receipt of the Council's services

List of Background Papers

Annexes to the Report

Appendix 1 – Draft Children, Young Person and Vulnerable Adults Protection Policy