

MEETING:	Full Council
DATE:	Thursday, 26 November 2015
TIME:	10.30 am
VENUE:	Council Chamber, Barnsley Town Hall

SUPPLEMENTARY AGENDA

Recommendations to Council

All reports detailed below are subject to Cabinet recommendation and are available to download from the Council's website. The Cabinet Spokesperson for the Service in question will respond to any comments or amendments concerning these minutes.

- 29.** Proposed Sale by the Council as Trustee of Carlton Park House, Carlton (Cab.21.10.2015/6) (Pages 3 - 12)

RECOMMENDATION TO COUNCIL:-

- (i) that, subject to the statutory procedures under the Charities Act 2011 being complied with and the consent of the Coal Industry Social Welfare Organisation (CISWO), the Council in its capacity as Trustee of the Miners' Recreation or Pleasure Ground, Carlton approves the sale of Carlton Park House;
- (ii) that the Director of Finance, Assets and Information Services, on behalf of the Council as Trustee, dispose of Carlton Park House by way of either auction or private treaty sale, as directed by the independent surveyor acting for the Council as Trustee, to achieve best value;
- (iii) that the Director of Legal and Governance be granted delegated authority to address any representations made by the general public to the proposal on behalf of the Council as Trustee and to conclude the necessary legal documentation relating to the disposal of the property;
- (iv) that the Director of Legal and Governance be granted delegated authority to make a recommendation to the Charity Commission to conclude the decision of the capital receipt between the Council as Trustee and CISWO, that the share of the capital receipt from the sale passed to CISWO be used in accordance with the Trust's Governing Documents and that the share retained by the Council be applied towards improvements for the benefit of the remainder of the park, in accordance with CISWO's requirements and any directions made by the Charity Commission, and that until settlement is concluded that the Council as Trustee hold the capital receipt in a separate account; and
- (v) that once the division of the capital receipt is settled between the Council as Trustee and CISWO, approval be granted for the Service Director Stronger, Safer and Healthier Communities (Park Services) to use the proceeds in accordance with CISWO's requirements and any directions made by the Charity Commission.

- 30.** Barnsley's Framework for Safeguarding Children and Adults (Cab.4.11.2015/10)
(Pages 13 - 30)

RECOMMENDATION TO COUNCIL:-

- (i) that the current arrangements for safeguarding children in the Borough, as set out in the report now submitted, be noted;
- (ii) that the current arrangements for safeguarding vulnerable adults in the Borough, including the progress made in implementing the relevant provisions of The Care Act (2014) be noted;
- (iii) that the approach to non-statutory safeguarding enquiries, as outlined in page 7, paragraphs 12.5 – 12.8 of the report, be endorsed; and
- (iv) that an All Members Information Briefing on the evolving safeguarding landscape be scheduled during 2015-16.



Diana Terris
Chief Executive

Item 29

BARNSELEY METROPOLITAN BOROUGH COUNCIL

This matter is not a Key Decision within the Council's definition and has not been included in the relevant Forward Plan

Report of the Director of Finance, Assets & Information Services.

Proposed Sale by the Council as Trustee of Carlton Park House, Carlton

1. Purpose of Report

- 1.1 To consider the sale of Carlton Park House as shown hatched black on the attached plan situated within the boundary of the Carlton Miners' Welfare Park ("the park") by the Council as Trustee of the Carlton Miners' Recreation or Pleasure Ground, Carlton by way of auction or private treaty in order to achieve best value.

2. Recommendations

It is recommended that Cabinet recommends to Council;-

- 2.1 That subject to the statutory procedures under the Charities Act 2011 being complied with, and the consent of the Coal Industry Social Welfare Organisation (CISWO) the Council in its capacity as Trustee of the Miners' Recreation or Pleasure Ground, Carlton approves the sale of Carlton Park House.
- 2.2 That the Director of Finance, Assets and Information Services on behalf of the Council as Trustee dispose of Carlton Park House by way of either auction or private treaty sale, as directed by the independent surveyor acting for the Council as Trustee, to achieve best value.
- 2.3 That the Director of Legal and Governance is given delegated authority to address any representations made by the general public to the proposal on behalf of the Council as Trustee and to conclude the necessary legal documentation relating to the disposal of the property.
- 2.4 That the Director of Legal and Governance is given delegated authority to make a recommendation to the Charity Commission to conclude the division of the capital receipt between the Council as Trustee and CISWO, that the share of the capital receipt from the sale passed to CISWO shall be used in accordance with the Trust's Governing Documents and that the share retained by the Council shall be applied towards improvements for the benefit of the remainder of the park in accordance with CISWO's requirements and any directions made by the Charity Commission, and that until settlement is concluded that the Council as Trustee hold the capital receipt in a separate trust account.

2.5 That once the division of the capital receipt is settled between the Council as Trustee and CISWO, that approval is sought for the delegated authority to be granted to the Service Director Stronger, Safer & Healthier Communities (Park Services) to use the proceeds in accordance with CISWO's requirements and any directions made by the Charity Commission.

3. Introduction

3.1 The Council is Trustee of the Miners' Recreation or Pleasure Ground, Carlton by virtue of two Conveyances dated 31st December 1924 and 5th May 1934 and a Charity Commission Scheme dated 26th November 1935 ("the Governing Documents").

3.2 Funding from the Miners Welfare Committee (CISWO) was given for the purchase of the park and for it to be laid out as recreation or pleasure grounds for the benefit of the public and for the social wellbeing and recreation of those in the coal industry.

3.3 The park includes a number of properties within its boundaries including the park keeper's house, a bowling pavilion and a community building.

4. Background

4.1 The park house was occupied by a park keeper until 2011. The post of a new park keeper was advertised, but there were no suitable applicants at that time and the premises have remained vacant since 2011.

4.2 The presence of a park keeper on site is no longer necessary or viable and the park house is no longer required for the purposes of the Trust.

4.3 Consequently it is proposed that the house is sold and that the capital receipt is used for improvements within the remaining park. Although the park house has been vacant since 2011, is in relatively good condition.

4.4 The Trust Deed states that the consent of CISWO is required for any application to dispose of part or any of the property. For this reason the Council as Trustee approached CISWO for consent to dispose of the park house. In order to prevent further deterioration of the property, CISWO have therefore confirmed that the park house can be sold subject to the capital receipt being divided equally between the Council and CISWO.

CISWO feel they are in fact in a strong position to ask for all the sale proceeds because the Governing Documents specify any proceeds must be applied for purposes connected with the social well being, recreation and conditions of living of workers in or about coal mines and with mining education and research as the Charity Commission shall approve. However CISWO have agreed to accept a 50% share of the capital receipt.

CISWO's share will be used in accordance with the Governing Documents of the Trust. CISWO expect that the Council's share will be used for improvements within the park. This is subject to confirmation by the Charity Commission but it is most unlikely that the Charity Commission will disagree with CISWO's proposals.

4.5 Options for the property are as follows:

- a) The property could be retained in the Trust's ownership and let on a residential tenancy at a market rent. The property is in relatively good condition. However, to comply with health and safety requirements it would still cost in the region of £3,000 before the property could be let. When available to let the property will require active management and have a potential average net income in the region of £3,000 per annum, which is a return of approximately 3.75% on the capital value of the park house. This is a poor return on capital particularly given the high risk nature of property management.
- b) Alternatively the Council as Trustee could arrange for the demolition of the property and incorporate the site within the park. There would be a substantial cost to this approach and once demolished the Trust would lose the possibility of any future potential income being generated in the site. This option is not considered best value.

4.6 This report recommends that the Director of Legal and Governance be given delegated authority on behalf of the Council as Trustee to conclude the division of the capital receipt between the Council as Trustee and CISWO and that until settlement is concluded that the Council as Trustee hold the capital receipt in a separate trust account.

4.7 The report also recommends that the application of such proceeds is delegated to the Director of Development provided that such proceeds are applied in accordance with CISWO's requirements, and any requirements specified by the Charity Commission.

5. Proposal and Justification

5.1 It is proposed that subject to the procedures under the Charities Act being adhered to (this includes giving public notice of the proposal and inviting representations), the Council as Trustee, grants consent to the disposal of Carlton Park House and that the proceeds are held by the Council as Trustee upon trust until such time as CISWO's share is transferred to it. The Council's remaining share will continue to be held on trust until it is spent.

It is not considered that the disposal will be to the overall detriment of the park. Once CISWO's share of the capital receipt has been paid, the remaining receipt will be applied towards future improvements in the Park.

- 5.2 If the Council as Trustee approves the sale of Carlton Park House, it will be necessary for public notices to be put in a local newspaper and public representations will be invited for the period of one month from the date of publication. It is considered that the proposal will not result in any material change in or detriment to the use of the park. It is also proposed that there be delegated to the Director of Legal and Governance the function of addressing any representations received to the proposed disposals and, subject thereto, entering into the necessary legal documentation to give effect to the proposal.

6. Implications for Local People / Service Users

- 6.1 The capital receipt received by the Council as Trustee for the disposal of the park house will be used in accordance with the requirements of CISWO and any directions made by the Charity Commission for the benefit of the recreation ground and consequently, the local community.

7. Financial Implications

- 7.1 The sale of the property will generate a capital receipt in the region of £80,000 that will be held on Trust and applied in accordance with CISWO's requirements and any directions made by the Charity Commission.
- 7.2 50% of the capital receipt will be passed to CISWO to be applied for the charitable purposes of CISWO in accordance with the Trust's Governing Documents. The intention is that the Council as Trustee will apply its proportion of the sale proceeds towards improvements within the remainder of the park.

- 7.3 There are no VAT implications arising as a result of this report.

- 7.4 The financial implications are shown in the attached Appendix A.

8. Employee implications

- 8.1 There are no implications arising from this report.

9. Communications implications

- 9.1 There are no communications implications arising from this report

10. Consultations

- 10.1 The Financial Services Manager and the Insurance and Taxation Manager on behalf of the Director of Finance, Assets and Information Services has been consulted and details are shown in item 7 of the report.
- 10.2 Local Members are aware of the proposals and have been sent a copy of this report for information and comment.
- 10.3 The Service Director Stronger, Safer & Healthier Communities (Park Services) supports the sale of the property.

11. Community Strategy and the Council's Performance Management Framework

11.1 There are no issues arising as a result of this report.

12. Tackling Health Inequalities

12.1 There are no issues arising as a result of this report

13. Climate Change & Sustainable Energy Act 2006

13.1 There are no issues arising as a result of this report

14. Risk management issues

14.1 The sale of this property will enable the purchaser to bring back into use an empty property and once occupied will be less of a danger in terms of health and safety. On disposal the health and safety management of the premises will pass onto the purchaser.

15. Health & safety issues

15.1 The proposal to sell the property will be carried out giving full consideration to current Health and Safety Legislation

16. Compatibility with the European Convention on Human Rights

16.1 There are no issues arising as a result of this report.

17. Promoting equality & diversity and social inclusion

17.1 There are no issues arising from this report.

18. Reduction of crime & disorder

18.1 In investigating the options set out in this report, the Council's duties under Section 17 of the Crime and Disorder Act 1998 have been considered.

19. Conservation of biodiversity

19.1 There are no issues arising as a result of this report.

20. Glossary

20.1 Not applicable

21. List of appendices

21.1 Appendix A – Financial Implications

21.2 Appendix B – Site Plan / Location Plan

22. Background papers

22.1 Correspondence regarding this matter is held on the files in Asset Management – not available for inspection - contains exempt information.

Prepared on Behalf of the Director of Finance

FINANCIAL IMPLICATIONS


Sale of Carlton Park House

i) <u>Capital Receipt</u>	<u>2015/16</u>	<u>2016/17</u>	<u>2017/18</u>	<u>Total</u>
	£	£	£	£
Sale of Park House	-80,000			-80,000
To be utilised:				
50% Proceed to CISWO	40,000			40,000
50% Investment in Carlton Park	40,000			40,000
	0	0	0	0

ii) <u>Revenue Effects</u>	<u>2015/16</u>	<u>2016/17</u>	<u>2017/18</u>	<u>Later Years</u>
	£	£	£	£
Current Costs:				
Proposed Costs:				
Variance				
To be financed from:				

Impact on Medium Term Financial Strategy:

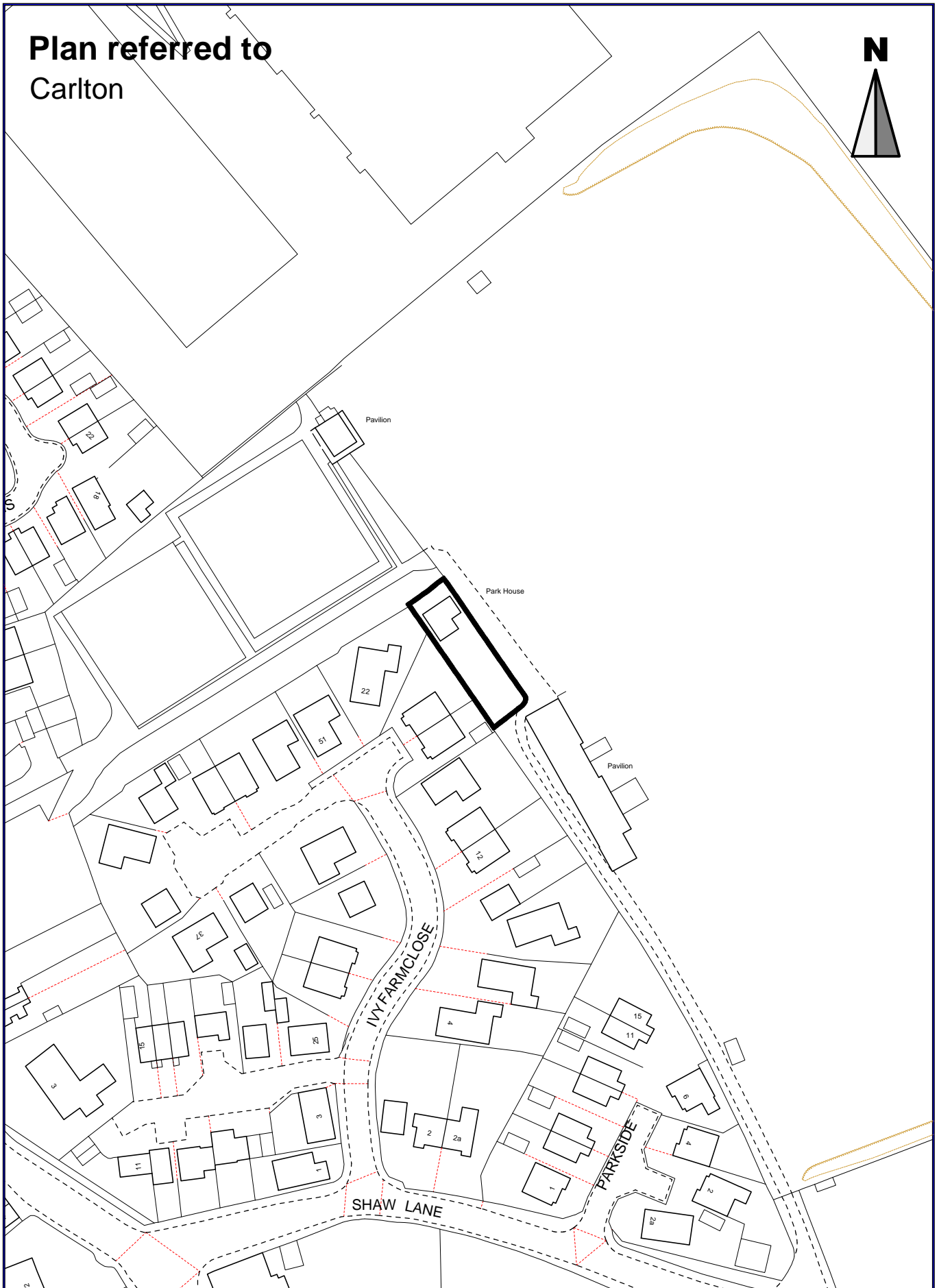
There is no impact on the Medium Term Financial Strategy

 MARK WOOD Agreed by:On behalf of the Director of Finance
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14 September 2015

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**Plan referred to
Carlton**



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Drwg no:	
Date:	06/10/2015
Scale 1: 1,250	

Drawing Title :
Carlton Park House



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Item 30

BARNSELY METROPOLITAN BOROUGH COUNCIL

This matter is not a Key Decision within the Council's definition and has not been included in the relevant Forward Plan

Report of the Executive Director (People)
to the Cabinet

(21st October 2015)

Barnsley Framework for Safeguarding Children and Adults

1.0 Purpose of Report

1.1 The purpose of this report is to inform and brief members on Safeguarding Children and Adults arrangements in Barnsley following the implementation of the Care Act (2014) (*henceforth to be known as The Care Act or The Act in the remainder of this report*).

2.0 Recommendations

2.1 **That the current arrangements for safeguarding children in the Borough are noted.**

2.2 **That the current arrangements for safeguarding vulnerable adults in the Borough, including the progress made in implementing the relevant provisions of The Care Act (2014) are noted.**

2.3 **That the approach to non - statutory Safeguarding enquiries, as outlined in Page 7, Paragraphs 12.5 – 12.8 of the report, be endorsed.**

2.4 **That an All Members Information Briefing on the evolving safeguarding landscape be scheduled during 2015-16**

3.0 Governance and Scrutiny Arrangements - Safeguarding Children and Adults

3.1 Barnsley Safeguarding Children Board (BSCB)

3.2 The BSCB comprises of representatives from a range of statutory partners, whose role is to promote the safeguarding and wellbeing of local children, young people and families in Barnsley.

3.3 The independently chaired BSCB provides a forum to hold partners to account and test effectiveness of multi-agency working to safeguard children, including early help. The BSCB will 'hold the ring' on challenging performance providing a forum for partners to challenge across the piece.

3.4 The BSCB's prime responsibilities are:

- a) To co-ordinate what is done by each person or body represented on the Board for the purpose of safeguarding and promoting the welfare of children in the area, and
- b) To ensure the effectiveness of what is done by each person or body for that purpose.

- 3.5 The work of the BSCB is driven by the annual business plan and supported by an effective sub-group structure. In testing effectiveness, the BSCB will draw on both performance data and quality assurance activity that examines in detail the quality and effectiveness of front line practice.
- 3.6 The Board is strongly committed to further strengthening its relationship with other strategic partners, including the Barnsley Children and Young People's Trust Executive Group and the Barnsley Health and Wellbeing Board established in April 2013, together with the local strategic partnership, 'One Barnsley', whose membership is drawn from public, private, community and voluntary organisations. To affirm all these relationships, the Board has approved a protocol covering governance arrangements and the degree to which they enable partners to assess whether they are fulfilling their statutory responsibilities to help, protect and care for children and young people.
- 3.7 The BSCB will refer to the Children and Young People's Trust matters that have commissioning implications. The chair of the BSCB will escalate matters to the governance structures of partners and / or the Health and Well-Being Board where it is considered that agencies are failing to discharge responsibilities under 'Working Together' (2013).
- 3.8 The BSCB's role in safeguarding children from harm and exploitation was reviewed by Ofsted last year. The inspection report concluded that arrangements for keeping children and young people safe from harm were effective but 'Require Improvement' in order to be judged 'Good'.
- 3.9 Reporting to the BSCB are eight multi-agency sub groups who drive forward improvement in safeguarding policy, practice and procedure. These are:
- Child Sexual Exploitation (CSE) Strategic Group
 - Policy, Procedure and Practice Developments
 - Workforce Management and Development
 - Serious Case Review
 - Children with Disabilities and Complex Health Needs
 - Performance, Audit and Quality Assurance
 - Child Death Overview Panel
- 4.0 Barnsley Health and Well Being Board
- 4.1 The Health and Well-Being Board is a formally constituted committee of the Council and chaired by the Leader of the Council. As Chair of the Board, the Leader meets with the independent chair of the BSCB annually and the annual report is presented to the Health and Well-Being Board for consideration. The Lead Member for children's services is also a Member of the Health and Well-Being Board and along with their Cabinet Support Member sits on the BSCB as an observer, in accordance with the statutory regulations '*Working Together To Safeguard Children*' (updated in March 2015)
- The Annual Report of the Barnsley Safeguarding Adults Board has been presented at the Health and Well Being Board by the Chair.
- 5.0 Barnsley Children and Young People's Trust Executive Group
- 5.1 The Children's Trust, chaired by the Executive Director (People) in the statutory role of Director of Children's Services, secures the co-operation of partners to strategically

plan and align service commissioning and delivery to improve children's' outcomes and efficiency of service delivery. The Trust has a Children and Young People's Plan in place that sets out the ambition, vision and priorities of the Trust. The Children and Young People's Plan which is, currently, being reviewed, is supported by a commissioning strategy which places improving outcomes for children and young people and the 'voice of the child' at the heart of commissioning intentions.

6.0 Continuous Improvement of Children's Services

6.1 Through the removal of the Improvement Notice and the dis-establishment of the Improvement Board which had been implemented following the outcomes of the Ofsted inspection in 2012, BSCB now has the lead responsibility for the Continuous Children's Service Improvement Plan. The plan provides the means by which progress and impact on services and outcomes for children and young people will be measured. The plan is mapped against the Ofsted requirements (following the child's journey) and will enable both the BSCB and the Children and Young People's Trust to determine whether sufficient progress is being made, i.e. the right amount of progress, in the right direction, at the right pace. The plan is a 'live' working tool and areas for improvement arising from the Ofsted Inspection 2014 are actively being addressed within it.

6.2 The Continuous Service Improvement Officer Group is a multi-agency Officer Group, chaired by the Executive Director (People) and supported by the Service Director (Children's Social Care and Safeguarding) who work to deliver the Continuous Service Improvement Plan. The Plan is routinely presented to the BSCB in order that progress can be reviewed and actions taken to tackle insufficient progress or poor performance where necessary. Issues which have commissioning implications are reported to the Children and Young People's Trust for consideration

6.3 The Safeguarding and Quality Assurance Unit

6.4 Additional investment has been awarded by the Council to the Safeguarding and Quality Assurance Unit in Business Unit 2, to support the Children's Social Care Service (CSC) continued service improvement journey. The Unit provides independent reviewing functions for looked after children's care planning arrangements and for children who require a formal, multi-agency child protection plan.

6.5 Council investment will support additional quality assurance through regular auditing of CSC case files and monthly quality assurance visits to the front line by the Executive Director, Service Director and Lead Member for Children's Services (*Cabinet Spokesperson – People (Safeguarding)*)

6.6 The Unit will support practice development within CSC, supporting the service in moving from compliance to producing consistently high standards of quality in assessment, practice, intervention and planning for children, young people and their families that is evidence based and outcome focused,

6.7 The Unit will also provide support to the Barnsley Safeguarding Adults Board (BSAB) supporting effective governance and partnership arrangements.

6.8 Both the BSCB and BSAB now commission the same Independent Chair, supporting consistency of standards across both Boards and the application of transferrable knowledge and development.

- 6.9 There is to be one designated local authority designated officer (LADO) responsible for the management and oversight of cases where allegations of abuse of abuse or mistreatment are made against professionals and/or carers who work with both children and vulnerable adults. This role will incorporate the responsibilities of the Designated Adult Safeguarding Manager (DASM).
- 7.0 Member Led Challenge – Safeguarding Children and Adults
- 7.1 Member led challenge is critical to ensuring that vulnerable children and adults are appropriately safeguarded. In Barnsley, there are seven separate elements to Member led challenge:
- Council
 - Cabinet
 - Health and Wellbeing Board
 - Overview & Scrutiny Committee (including ‘Task and Finish’ Groups)
 - Safeguarding Scrutiny Committee
 - Corporate Parenting Panel
 - Peer Review
- 7.2 To enable the continued improvement and positive impact of the Council’s Scrutiny function, a proposal was recently presented to Cabinet to change the Children’s Services Scrutiny Committee to a Safeguarding Scrutiny Committee, to include the scrutiny of adults safeguarding.
- 7.3 This reflects the recent changes made in The Care Act which include the statutory requirement for an Adult Safeguarding Board as well as a Children’s Safeguarding Board, together with other developments such as the Council’s new ‘People’ Directorate structure as well as Dame Louise Casey’s Report on Rotherham Council which highlights that safeguarding is the responsibility of all services.
- 7.4 The Safeguarding Scrutiny Committee will continue to meet in both private and public session to scrutinise and challenge performance. It has the right to refer matters, ‘call in’ recommendations and propose alternative recommendations to the Council’s Cabinet and request a review of any area of activity if it has particular concerns. The Children’s Services Scrutiny Committee has undertaken scrutiny of the performance of children and young people’s services and the work of the BSCB to date. The annual self-assessment of children and young people’s services (generated through a robust process which incorporates regional peer challenge) is presented to Scrutiny on an annual basis.
- 7.5 The Corporate Parenting Panel is charged with acting as a ‘pushy parent’ on behalf of the Council’s looked after children and works to challenge and improve the effectiveness of services to children in care, adoption and care leavers. This Panel also performs a useful role in scrutinising, challenging and holding to account, service performance in relation to children in care and care leavers. The Panel in particular will significantly increase its level of engagement with vulnerable children and young people through a variety of forums, including the Barnsley ‘Care4Us’ Council.
- 7.6 On 11th March 2015, Cabinet considered a report setting out a programme of activity aimed at assuring that all Council Services, with a stake in protecting children from harm and exploitation, are compliant with this responsibility, statutory regulations and best practice.

7.7 The Programme, which is subject to regular review by SMT, has included progress in the following activity:

7.8 Regulatory Services – Licensing

- The Head of Regulatory Services is a permanent member of the BCSB's Child Sexual Exploitation Sub Group
- As part of the above, all taxi drivers (new and existing) are to undertake mandatory safeguarding awareness training, with priority being given to drivers engaged in Home to School transport
- Awareness training is also taking place for businesses, including hotels and bed and breakfast establishments, Registered SIA Door Staff, Taxi Marshals, late night refreshment venues and other licensed premises
- A specific section on safeguarding and preventing CSE has been included in Elected Member training concerning their licensing responsibilities and on how they can report or escalate issues of concern.
- An internal audit review of Licensing has commenced which will include how far the Service has learned from and applied the findings and recommendations of the Casey Report. Discussions are taking place between the four local authority licensing services to identify areas of best practice; consistency in licensing policies and conditions, data sharing, training and awareness.

7.9 Planning Regulatory Board

- In deciding whether to award planning consent for the development of businesses, particularly near to schools, Members of the Committee are required to be mindful of any safeguarding considerations within supplementary planning guidance.

7.10 Challenge and Accountability

- Through the LGA, Members of the Safeguarding Scrutiny Committee and the former Children's Services Scrutiny Committee, have received training on effective 'critical friend' techniques in relation to tackling CSE
- Please also see Paragraphs 7.2 – 7.5
- Ensuring vulnerable children and adults are safe from harm and exploitation is an explicit objective within the Council's Equality Scheme (2015-18) and progress towards improving awareness and acting upon reported incidents will form part of the Council's corporate performance reporting framework

7.11 Empowering and Training 'Front Line' Employees

- As part of enhancing the 'eyes' and 'ears' of services, the Borough's CSE Strategy and BSCB multi agency training programme will ensure that front line staff, including teaching and non teaching staff in schools, foster carers, youth support workers and NHS practitioners become more aware of and know what to do if they suspect the grooming of children and young people is taking place.

8.0 Service Challenges – Safeguarding Children

8.1 Following the 2012 Ofsted inspection which resulted in a Notice of Improvement for Barnsley Children's Social Care Services and, as part of the Continuous Children's Services Improvement Plan, the 'Threshold of Need' document was revised and lowered, with the intention of ensuring that Children's Social Care responded to

- children who were in need and/or in need of protection as set out under the Children Act 1989. The revision of the Thresholds has led to more children having their needs appropriately assessed and responded to by Children's Social Care.
- 8.2 At the same time, national and local high profile inquiries into child abuse has led to an increase in social work activity by Children's Social Care Services. Consequently more children are being referred to Children's Social Care Services for a statutory service.
- 8.3 Whilst progress has been made across partner agencies, our Early Help 'Offer' has not had any significant impact to date on reducing the number of 'Contacts' into Children's Social Care Services, rather contacts have remained at the same level.
- 8.4 The increase in demand, which is consistent with a local and national picture, has put significant pressure on statutory social work services. This has impacted negatively upon the Service's capacity to allocate and complete children's assessments in a timely manner, as set out under the statutory guidance, 'Working Together to Safeguard Children' (updated in March 2015).
- 8.5 Equally, the increased volume of activity has resulted in social worker caseloads increasing. This has the potential of reducing both the quality of dedicated social work intervention for the Borough's most vulnerable children and, adversely affecting social work morale, recruitment and retention.
- 8.6 A review and analysis of data suggests that too much is being done at all stages of the contact, referral and assessment process, requiring a re-balancing in the system as well as re-alignment of resources.
- 9.0 Inter-Agency Arrangements for Safeguarding Children
- 9.1 The BSCB's Website provides guidance to all member agencies, including the local authority and the public on what to do and who to contact if anyone is concerned about a child's safety. The website provides clear definitions of harm. It provides guidance for parents and carers, on how to make a complaint and provides advice on safeguarding issues that can affect all children and families, for example, bullying, safe sleeping and accident and prevention.
- 9.2 Robust, jointly agreed policies and procedures are accessible on the Website for all agencies to access, on agency roles and responsibilities in working together to identify and respond to safeguarding children. These policies and procedures provide detailed guidance to all practitioners and are underpinned by relevant legislation and statutory guidance, including '*Working Together to Safeguard Children*'.
- 9.3 Multi-agency training is an effective way of bringing together professionals from different agencies to gain a better understanding of their roles and responsibilities for safeguarding and protecting children and young people. The BSCB offers an extensive range of free training courses to individuals and agencies who have a responsibility for safeguarding children. Courses are facilitated by the Board's multi-agency training officer with input from a number of external facilitators, who are commissioned to provide training on behalf of the Board. BSCB provides both face to face training and e-learning opportunities.
- 9.4 Plans are on track for the development and implementation of a Multi Agency Safeguarding Hub (MASH) which will integrate the Police, Children's Social Care and the local NHS. This will improve inter-agency information sharing and screening of

child protection referrals. An integrated team has already been established to tackle child sexual exploitation.

10.0 BSCB Communication Strategy

10.1 Communication and awareness raising is a core function of a Safeguarding Children Board. An effective communication strategy aims to deliver messages to the Board's target audiences to help achieve its objectives in an organised and targeted way. The BSCB Communications Strategy outlines the way in which the Board will share information with children, young people, families, and partner agencies, the media and the wider public, encourage two-way communication and explain how everyone can contribute to keeping children and young people safe in Barnsley

11.0 The Care Act and Safeguarding Adults

11.1 The Care Act replaces 'No Secrets' Guidance and sets responsibility for adult safeguarding in primary legislation, endorsing the principle of wellbeing and giving safeguarding adults duties a statutory basis.

11.2 New responsibilities for Safeguarding Adults Boards now exist, including safeguarding duties having legal effect on partners with clear statutory responsibility to ensure enquiries into abuse and neglect are made or caused to be made. Safeguarding Adults Boards are placed on a statutory footing, with a legal requirement for Safeguarding Adult Reviews to take place and a duty to cooperate is placed on and between the Board Members and relevant partners

11.3 The Statutory Guidance supports Section 14 of The Care Act, where safeguarding is defined as protecting an adult's right to live in safety, free from abuse and neglect. In response to the requirements of the Act and our safeguarding responsibilities, all local authorities are charged with their partners, to review current practice, with relevant partners, to determine specific impacts, hence the updating of South Yorkshire wide adult protection policy, procedures and guidance which has been delayed but are now out for consultation.

11.4 The Care Act details the general duty of a local authority to promote well-being in relation to how adults are treated. There are six key principles of adult safeguarding that underpin all adult safeguarding work as follows:-

- Empowerment - Personalisation and the presumption of person-led decisions and informed consent.
- Prevention - It is better to take action before harm occurs.
- Proportionality - Proportionate and 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

12.0 Local Authority Responsibilities for Safeguarding Adults

12.1 The Care Act sets out the legal framework for how local authorities and other parts of the system should protect adults at risk of abuse or neglect. These are derived from

the Social Care Institute for Excellence (SCIE) Local Authority safeguarding duties which are summarised, below:

- a) To lead a multi-agency local adult safeguarding system that seeks to prevent abuse and neglect and stop it quickly when it happens.
- b) To make enquiries, or request others to make them, when they think an adult with care and support needs may be at risk of abuse or neglect and they need to find out what action may be needed
- c) Establish Safeguarding Adults Boards, including representation at the most senior level from the local authority, NHS and police, which will develop, share and implement a joint safeguarding strategy.
- d) Carry out Safeguarding Adults Reviews when someone with care and support needs dies as a result of neglect or abuse and there is a concern that the local authority or its partners could have done more to protect them.
- e) Arrange for an independent advocate to represent and support a person who is the subject of a safeguarding enquiry or review, if required.

12.2 Safeguarding Duties, Including Making Enquiries

12.3 Safeguarding duties, including making enquiries apply to an adult who:

- a) Has needs for care and support (regardless of any other input or some needs being met) and
- b) Is experiencing, or is at risk, abuse or neglect, and
- c) As a result of those needs is unable to protect themselves against abuse or neglect or the risk of it.

12.4 This means that the local authority must follow up any concerns or cause enquiries to be made about either actual or suspected abuse or if the local authority has reasonable cause to suspect that an adult in its area (regardless of residency) is at risk of abuse or neglect. Safeguarding Adults Boards have increased powers than previously set by “No Secrets”, which should be more transparent and will come under more scrutiny.

12.5 There are two types of Safeguarding enquiry arising from a safeguarding concern:-

- 1) Statutory Safeguarding Enquiry – (constitutes a formal Section 42 Enquiry under The Care Act)

Local authorities are required to carry out Safeguarding Enquiries for any individuals who meet the above criteria. The local authority must make (or cause to be made) whatever enquiries it thinks necessary to enable it to decide whether any action should be taken in the adult's case and, if so, what should happen and by whom.

- 2) Non-Statutory Safeguarding Enquiry

These enquiries are safeguarding enquiries and can be carried out on behalf of adults who do not fit the criteria outlined under Section 42 of the Care Act. Local authorities are not required by law to carry out enquiries for these individuals and do so at their own discretion. These enquiries may relate to an adult who:

- is believed to be experiencing, or is at risk of, abuse or neglect
- does not have care AND support needs (but might just have support needs)

- 12.6 The Care Act, potentially, broadens the scope for Adult Safeguarding with the inclusion of the criteria for non- statutory enquiries outlined above. Adult social care is not currently resourced to carry out non- statutory enquiries.
- 12.7 The South Yorkshire procedures that are currently, subject to consultation, suggest that individuals that do not meet the safeguarding statutory criteria should be given advice and information and signposted to appropriate services. This is consistent with current practice.
- 12.8 The approach to safeguarding non - statutory services, including in particular, intervention through advice, information and signposting to suitable services, is consistent with the Authority's Corporate Plan priority of targeting resources to those in most need, supporting people to be independent and connecting them with their communities.
- 12.9 Who may be considered for statutory and non-statutory enquiries?
- 12.10 This may include people with learning disabilities, mental health issues, older people, and people with a physical disability or impairment including those subject to Deprivation of Liberty Safeguards (DoLs). It may also include adult victims of abusive care practices; neglect and self-neglect; domestic abuse; Child Sexual Exploitation (CSE); hate crime; female genital mutilation; forced marriage; modern slavery; trafficking and anti-social abuse behaviour.
- 12.11 Potential responses to a Safeguarding concern
- 12.12 There may be a number of potential responses when an adult safeguarding concern is discussed with Adult Social Care. At any stage in the process from initial consultation to raising a formal Section 42 response, it may be determined that:
- a) The instance is not adult abuse or it is discounted following evaluation/assessment of the information received.
 - b) There is evidence of abuse and it appears more appropriate to address the problem in a less formal way e.g. through the provision of support services for a stressed carer.
 - c) There is no evidence of adult abuse but a care management assessment is instigated.
 - d) There is evidence of abuse but the victim is not in need of care and support and a referral to a more appropriate service may be suggested e.g. housing services.
 - e) There is evidence of abuse, the alleged victim is an adult at risk and a formal Section 42 Enquiry is raised.
 - f) The concerns relate to general poor standards of care in a regulated setting and referral to the Care Quality Commission (CQC) is more appropriate. The information may also be passed to the social service agency Contracts Team and the Commissioners of the service.
 - g) The adult at risk may not want any action taken.
- 12.13 What if the adult does not want any action taken?
- 12.14 The purpose of adult safeguarding is to secure or ensure the adult's autonomy and recovery, as far as possible. If the adult has capacity and they are not being unduly pressurised or intimidated they may not wish for any intervention. Their desired outcomes are paramount and should be recorded and respected. In this circumstance

- when we have concluded that the adult(s) are deciding for themselves advice, information and signposting to appropriate services will be offered.
- 12.15 However where others, including children, may be at risk, this does not remove the responsibility to report concerns and where appropriate, or for enquiries to be made. In addition if a crime has been committed we have a duty to consult with the police regarding the allegations.
- 12.16 Safeguarding must aim to stop abuse or neglect wherever possible; prevent harm and reduce risk of it happening and enable adults at risk to have choice and control in how they live their lives.
- 12.17 The Care Act and its guidance in respect of safeguarding adults, supports the development in practice that *'Making Safeguarding Personal'* will bring. National feedback which suggested that adult safeguarding work currently focused on process and procedure whilst those using such services wanted a greater focus on resolution of their circumstances, with more engagement and control, will be reflected within changes in the practice of safeguarding adults.
- 13.0 Barnsley Safeguarding Adults Board (BSAB)
- 13.1 The main objective of the BSAB is to assure itself that local safeguarding arrangements with partners act to help and protect adults in its area who meet the criteria as above. The BSAB has a strategic role that oversees and leads adult safeguarding across the locality. The three core duties of the Board are:
- 1) To publish a strategic plan for each financial year
 - 2) To publish an annual report outlining its achievements and objectives
 - 3) Conduct Safeguarding Adults Reviews (SARs) in accordance with Section 44 of the Care Act
- 13.2 The current position of the BSAB in relation to these core duties is as follows:-
- A Business/Strategic plan has previously been produced each year. Changes in member organisational structures have impacted on the timeliness of the BSAB plan development for 2015/16.
 - An Annual Report is published each year. The format of the Annual Report is being reviewed to take account of the feedback from the Adult Peer Review that took place in February 2015 and the Care Act requirements to involve 'Health Watch' (Barnsley) and the community in its production. The review and updated format will be completed ready for the Annual Report 2015 -2016.
 - The BSAB has previously undertaken Serious Case Reviews (SCRs) and has policy and procedures in place. The Care Act refers to Safeguarding Adult Reviews (SAR) as a core duty of the Safeguarding Adults Board. The policy and procedures have been updated to take account of the Care Act's requirements and are out for consultation across BSAB partners.
- 13.3 The BSAB undertook a Board development day on the 24th July 2015 with the recently appointed Independent Chair to review its structures and sub –groups and set the Board's priorities. The business/strategic plan is in progress.
- 13.4 A review and update is being undertaken of the BSAB's Memorandum of Understanding which has two parts. Part 1 contains the Statement of Purpose,

- obligations and roles and responsibilities which has been updated and is being consulted on with BSAB board members. Part 2 contains the Terms of Reference for the BSAB and its sub groups which is, now, being updated.
- 13.5 The Care Act places a duty on the local authority to ensure that information and advice on care and support is available to adults who are subject to a safeguarding enquiry or SAR. The Joint Commissioning Team for Adult Social Care, has developed a specification and has tendered for advocacy services to meet the requirements of The Act in respect of safeguarding requirements. The service is in place with a contract being awarded until April 2016.
- 14.0 Making Safeguarding Personal -A Fundamental Change to Safeguarding Practice
- 14.1 Making Safeguarding Personal (MSP) encompasses major changes from process led to person centred enquiries resulting in personalised safeguarding. This will lead to the achievement of an outcome focus on the enquiry. Practice must concentrate on what the adult wants, which accounts for the possibility that the individual, may change their mind on what outcomes they want through the course of the intervention.
- The Safeguarding 'Enquiry' or SAR must be:
- a) Person led and outcome focused
 - b) Ensure meaningful engagement with the adult and / or their carer
 - c) Identify the adult's individual needs
 - d) Offer choice and control to the adult.
 - e) Lead to improving the quality of life, wellbeing and safety of the adult.
- 14.2 The current position on the implementation of MSP in the Borough, is as follows:-
- South Yorkshire (SY) wide Safeguarding Procedures have been updated to reflect the Care Act's requirements and MSP. It has been based on a regional approach and there has been a delay due to the contracted providers, staff changes and issues with the contract which is being managed by Sheffield City Council, which has taken the lead for South Yorkshire. The policy and procedures have, recently, been the subject of consultation, across South Yorkshire Safeguarding Adults Boards. A multi - agency training plan is in draft and training will start upon publication of the SY Policy and Procedures, commencing in July 2015.
- 14.3 The project plans for embedding the new Adult Social Care model have been developed and take account of the requirements in the Care Act and MSP and implementation is in progress.
- 15.0 Information for staff, people who use care and support, carers and the public
- 15.1 Information for staff, people who use care and support, carers and the public should be made available in a number of formats. Information for staff should explain clearly, the following:
- Safeguarding multi-agency policies and procedures.
 - What to do when staff suspect or encounter abuse and / or neglect.
 - Information incorporated into staff manuals and handbooks.
 - Information also detailed in terms and conditions of appointment and other employment procedures to ensure that each member of staff are aware of roles and responsibilities.

- 15.2 Information for adults, carers and the public should clearly explain the following:
- What abuse and neglect is
 - How to raise a concern
 - How to make a complaint
 - That all concerns and complaints will be taken seriously
 - Concerns and complaints will be dealt with independently
 - That those affected will be central to the process and involved as much as they wish to be
 - That they will receive help and be supported through the process or they can nominate an advocate or representative to act / speak on their behalf
 - Their right to an independent advocate
- 15.3 The above requirements are embedded in the South Yorkshire wide procedures and processes for safeguarding adults. Training will be delivered to update the practice of staff. The culture & practice of Adult Safeguarding is changing and it will take time for the practice to develop.
- 15.4 The South Yorkshire wide procedures will be uploaded onto the BSAB Web page following consultation and sign-off by the Safeguarding Board and its constituent partners.
- 16.0 The Designated Adult Safeguarding Manager (DASM)
- 16.1 The statutory guidance accompanying the Care Act introduces Designated Adult Safeguarding Managers (DASM) in organisations concerned with adult safeguarding.
- 16.2 Each statutory member of the BSAB should have a DASM responsible for the management and oversight of individual complex cases and coordination where allegations of abuse or mistreatment are made or concerns raised about a person, whether an employee, volunteer or student, paid or unpaid. DASMs should keep in regular contact with their counterparts in partner organisations.
- 16.3 DASMs should be nominated individuals within:
- the local authority
 - clinical commissioning groups
 - police
 - and other organisations, where agreed locally.
- The local authority will need to establish a post to undertake the role of DASM.
- 16.4 The DASM is responsible for:-
- the management and oversight of individual complex cases
 - co-ordinate incidents where there is an allegation of abuse or mistreatment made against a member of staff/ volunteer or student
 - keeping in touch with counterparts in partner agencies
 - highlighting how their organisation prevents abuse and neglect from taking place
 - providing advice and guidance within the organisation
 - liaison with other agencies
 - monitor progress of cases and ensure they are dealt with in a timely fashion

- referrals to the Disclosure and Barring Service and other governing bodies including the CQC, General Medical Council, Nursing and Midwifery Council, or Health and Care Professions Council.
- Ensure systems are in place to support staff regarding investigations – ensuring there is no breach of rights to a fair trial (Article 6 of the European Convention of Human Rights)
- Recording systems are in place regarding decision making and recommendations
- Promote links with the LADO (Local Authority Designated Officer) for safeguarding children.

16.5 The LADO is based in the People Directorate's Safeguarding and Quality Assurance Service (Business Unit 2). The post is currently vacant and under review. As the roles of the LADO and DASM are broadly similar it is proposed to combine the roles into one post (*Please see Page 4, Paragraph 6.9*).

17.0 The Role of Senior Managers, Chief Officers and Commissioners

17.1 Every organisation should identify a senior manager to take the lead role in organisational and inter-agency arrangements for safeguarding adults, including the BSAB. In order for the Board to be an effective decision making body, members need to be sufficiently senior and have the authority to commit resources and make strategic decisions. The BSAB is currently compliant with the statutory requirements concerning membership.

17.2 Statutory requirements recommend that Chief Officers should lead and promote the development of initiatives to improve the prevention, identification and response to abuse and neglect. Chief Officers should receive regular briefings of case law from the Court of Protection and the High Courts.

The Adult Social Care senior management team, the Executive Director and the BSAB receive briefings on case law from the Court of Protection and the High Courts on the reporting of Deprivation of Liberty Safeguards (DoLS).

17.3 Commissioners have the responsibility to assure themselves of the quality and safety of the organisations that they place contracts with and that those contracts have explicit clauses that hold the providers to account for preventing and dealing promptly and appropriately with any example of abuse or neglect.

17.4 Current contracts in adult social care contain requirements regarding Safeguarding. The specifications and contracts have been reviewed and updated for residential/nursing care and the contract has been updated. The specification and contract for Domiciliary Care is being reviewed and updated for tendering in April 2016 when the current contract comes to an end.

17.5 The processes for contract management have been reviewed and a more proactive system has been put in place for residential/nursing care homes which utilises an IT system already in use in other areas of the local authority. This will be rolled out to other contracts in adult social care.

18.0 Service Challenges Facing Adult Social Care and Safeguarding Adults

18.1 The Adult Assessment and Care Management Service is in the process of implementing and embedding a new operating model which commenced on April 13th

- 2015 whilst implementing the requirements of the Care Act including the changes in Safeguarding legislation and practice.
- 18.2 The delay in the publication of South Yorkshire wide procedures for safeguarding adults, means that the Service has had to take a pragmatic approach in dealing with safeguarding concerns and applying Care Act principles. More detailed multi – disciplinary training will commence in July 2015.
- 18.3 A project plan for phase two of the implementation of the operating model for Adult Social Care has been developed and is in progress which includes for example:-
- Workforce development
 - Reviewing & updating policies and procedures
 - Updating the ‘Erica’ system and other IT systems
 - Developing the digital offer through a customer portal
 - Developing performance measures for the new model
- 18.4 The new operating model is currently the subject of six month review. The outcomes of the review will be the subject of a separate report to Cabinet.
- 18.5 There remains considerable work to undertake to ensure that the service embeds the new operating model and the requirement of the Care Act. Many of the requirements will necessitate a fundamental change in the culture and practice of our services
- 19.0 Consideration of Alternative Approaches**
- 19.1 This report outlines the local ‘framework’ in which activity aimed at safeguarding vulnerable adults and children and young people from abuse, exploitation, harm or mistreatment takes place. The approach taken is based upon legislation and statutory guidance which has helped the development of policies and procedures whose purpose is to provide the highest standards of protection and which take into account the choice of the individual.
- 20.0 Proposal and Justification**
- 20.1 The Council’s role, together with our partners in safeguarding vulnerable adults, children and young people accords with our Corporate Plan Priority of enabling such people to maintain their dignity, have the confidence and be empowered to achieve their potential without fear for their safety and to become active citizens in thriving communities.
- 21.0 Implications for Local People and Service Users**
- 21.1 The local safeguarding framework provides assurance to our communities that the Council and its partners on both the BSAB and BSCB regards its mandate for ensuring the safeguarding and protection of vulnerable citizens, extremely seriously. Equally, all adults and children who are identified as being at risk of abuse or harm will continue to receive the support required in order to protect them.
- 22.0 Financial Implications**
- 22.1 There are no direct financial implications arising from this report. Any associated financial costs arising from the development of an action plan which builds on the strengths and progress made so far and addresses areas for attention, will be

considered within the context of the resource envelope for People.

23.0 Employee Implications

23.1 An important element in safeguarding vulnerable adults, children and young people will be the development of a social care workforce equipped with the knowledge and skills to provide a high quality of service which is responsive and best meets the needs of service users. Improving the quality of professional practice is a cornerstone of our multi agency policies, plans and procedures (*Please also see Page 14, Paragraphs 29.1 – 29.2*). For example, a service review of the Children’s Social Care Service is currently taking place which will help build resilience and support the local authority’s responsibility to strengthen and improve statutory social work intervention for vulnerable children and families.

24.0 Communications Implications

24.1 No communications implications have arisen through the report.

25.0 Consultations

25.1 Consultation on the formulation of this report has been undertaken with the Cabinet Spokesperson (People – Safeguarding) and the Council’s Senior Management Team.

26.0 Key Policy Considerations

26.1 Please see Paragraph 20.1 of the report.

27.0 Tackling Health Inequalities

27.1 Our policies and plans for safeguarding vulnerable adults, young people and children, including, for example, the elderly, adults with learning disabilities, victims of domestic abuse, children in care and care leavers, will help in ensuring their physical and emotional wellbeing is at the forefront.

28.0 Climate Change & Sustainable Energy Act (2006)

28.1 There are no implications for the Act emerging through the report.

29.0 Consideration of Risks

29.1 The framework for safeguarding vulnerable adults, children and young people will depend upon maintaining sufficient staff and resources. For example, in Adult Social Care Services, staffing numbers and skills mix have been developed using a combination of anticipated activity levels with Heads of Service input. This will need to be reviewed post implementation to ensure that the balance between the numbers and skill mix are appropriate to meet Safeguarding requirements and the new way of working.

29.2 There is a risk in the short term that the Adult Social Care Business Unit will not be able to deliver as effectively as expected during the transitioning period. This will be mitigated by robust stakeholder management, work force development and robust transition planning and monitored through the Business Unit 2 Operational Risk Register.

30.0 Health and Safety Implications

- 30.1 Staff in Adult Social Care are undergoing considerable change and there is a risk that staff will have anxiety and find it stressful developing the necessary changes to their practice having moved to new teams.
- 30.2 Managers will be alert to changes in staff behaviour and support them managing the change. Policies and procedures are being reviewed and updated to ensure staff are clear about their responsibilities. Training will be provided so that staff will be equipped with the knowledge they need.

31.0 Compatibility with the European Convention on Human Rights

- 31.1 The proposals are compatible with the Articles and Protocols of the Convention.

32.0 Promoting Equality, Diversity and Social Inclusion

- 32.1 The development of BSAB and BSCB policies, plans and procedures for the safeguarding of vulnerable adults and children, together with those developed on a South Yorkshire wide basis, are informed by an assessment of the needs of groups of people in the Borough who are protected under the Equality Act (2010).
- 32.2 Annual review of these policies, plans and procedures will be subject to an appropriate equality impact assessment as part of promoting equality and eliminating any potential or inadvertent discrimination in the treatment of adults and children in need of protection.
- 32.3 As part of the Council's Performance and Development Reviews policy and procedure for employees, all social workers will be encouraged to undertake appropriate equality related training to enable them to enhance their ability to identify and meet the needs of the above groups of people.

33.0 Reduction of Crime & Disorder

- 33.1 The Barnsley safeguarding framework will ensure that, through the provisions of The Care Act and our Tackling Child Sexual Exploitation Strategy and Action Plan, for example, no one should be subjected to abuse, harm or exploitation. Through multi agency partnership working, such plans will also help in identifying and bringing perpetrators to account.

34.0 Conservation of Biodiversity

- 34.1 The report has no implications for the conservation of biodiversity.

35.0 Glossary

- 35.1 None, applicable.

36.0 List of Appendices

- 36.1 There are no appendices to this report.

37.0 Background Papers

Background papers used in compiling this report are available to view by contacting the People Directorate, Barnsley MBC, PO Box 639, Gateway Plaza, Barnsley, South Yorkshire S70 9FH

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