

## Agenda item 7

For decision – approval of the Child and Vulnerable Adult Protection Policy

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The Child and Vulnerable Adult Protection Policy has been reviewed. Other than edits for clarity and formatting, no significant amendments are recommended.

This Policy is available following this report.

### Recommendation

Approve the Child and Vulnerable Adult Protection Policy as chapter 21 of the Constitution.

# Frome Town Council Constitution

## Chapter 21 Child and Vulnerable Adult Protection Policy

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Date Reviewed: 5 December 2018  
Review Date: December 2019

A copy of this document is also available in different formats such as large print, Braille, audio or in a different language, please contact the office if this is required.

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### 1 Introduction

All organisations have a duty of care for the children and any vulnerable adults whom they provide activities or services for. Frome Town Council is committed to practices that protect children and vulnerable adults from harm and treat them with dignity and respect. At the same time, the Council will protect its staff from the risk of unfounded allegations. Frome Town Council will seek to ensure that any child or vulnerable adult using Council services or facilities can access them in safety without fear of abuse.

The Council seeks to implement its policy on child and vulnerable adult protection by:

- Ensuring that all staff whom have regular, direct and unsupervised contact with children and vulnerable adults are carefully selected, including a Disclosure and Barring Service (DBS) check, at least two written references, trained and accredited where necessary.
- Ensuring that any Town Council contractors who have regular, direct and unsupervised contact with children have effective policies and procedures in place.
- Giving all the parties involved e.g. parents and the general public, information about what they can expect from the Council in relation to protecting and safeguarding children and vulnerable adults.
- Ensuring that there is a clear complaint procedure in place that can be used if there are any concerns. This can be found in chapter 10 of our Constitution as well as in an appendix to this document.
- Sharing information about concerns with appropriate agencies that need to know and involving parents and/or carers as appropriate.

### 2 Scope

This policy applies to all Councillors and staff regardless of whether they have regular contact with children and vulnerable adults.

For the purposes of the policy, a member of staff covers employees including apprentices, casuals, volunteers, work experience placements and trainees.

This policy should also be read in conjunction with other policies in the Council Constitution including the Staff Handbook (particularly the Equal Opportunities, Grievance and Whistleblowing sections), the Health, Safety and Welfare Policy and the Information Policy.

### 3 Definitions

For the purposes of the policy, a child is anyone under the age of 18 years.

A vulnerable adult is someone who by reason of mental or other disability, age or illness is unable to take care of themselves or unable to protect themselves against significant harm or exploitation. An adult for the purposes of this policy is anyone over 18 years of age.

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### 4 Procedures

These procedures and the following good practice guidelines seek to ensure that all Cllrs and staff have a clear understanding of their responsibilities when working with children and vulnerable adults. The aims of these procedures are to ensure that both Cllrs and staff:

- Recognise the signs of abuse and what appropriate course of action should be taken in the circumstances.
- Understand the potential risk to themselves and ensure that good practice is adhered to at all times.
- Recognise signs of improper behaviour from other Cllrs and or staff and report it to the Town Clerk or the Leader of the Council at the earliest opportunity.

### 5 Good Practice Guidelines

Everyone working in direct or indirect contact with young people and vulnerable adults must abide by the guidelines noted below.

It is possible to reduce situations where abuse may occur and below are specific examples of the care which should be taken when working with children or vulnerable adults.

Cllrs and staff must:

- Be identifiable e.g. wearing Town Council branded clothing or name badges
- Treat all children and people with dignity and respect
- Provide an example for good conduct that others can follow
- Challenge unacceptable behaviour e.g. bullying and report allegations/suspensions of abuse
- Ensure that when possible there is more than one adult present during activities with children and or vulnerable adults, or at least be within sight or hearing of others
- Respect the right of children and vulnerable adults to personal privacy
- Encourage children and vulnerable adults to feel comfortable enough to point out attitudes or behaviours they do not like
- Remember that someone else might misinterpret certain actions, no matter how well intentioned
- Be aware that any physical contact with a child or vulnerable adult may be misinterpreted
- Recognise that special caution is required when discussing sensitive issues with children or vulnerable people
- Always operate within Frome Town Council's Code of Conduct, principles, guidance, policies and procedures

Cllrs and staff must not:

- Have inappropriate or unwarranted physical or verbal contact with children or vulnerable adults
- Be drawn into inappropriate attention-seeking behaviour or make suggestive or derogatory remarks or gestures in front of children or vulnerable adults
- Jump to conclusions about others without checking facts
- Either exaggerate or trivialise any abuse issues

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- Show favouritism to any individual
- Rely on your good name or that of Frome Town Council to protect you
- Believe 'it could never happen to me'
- Take a chance when common sense, policy or practice suggests another more prudent approach

There may be exceptional circumstances where it is necessary to restrain a child or a vulnerable adult to prevent them from damaging themselves or others. Only the minimum reasonable force necessary may be used. All incidents of physical restraint must be recorded on an incident form and submitted to the Town Clerk, as well as informing the parents and/or carer as soon as possible.

### 6 Main Forms of Abuse

#### a. Physical Abuse

This may involve actions such as hitting, shaking and burning as well as the use of inappropriate restraint. Physical abuse, as well as being a deliberate act, can be caused by an omission or failure to act to protect. In the case of children and vulnerable adults, it includes the giving of alcohol, inappropriate drugs or poison to them.

#### b. Emotional Abuse

Emotional abuse is a persistent lack of love and affection. A child may be constantly verbally abused, threatened, ignored or taunted. Other forms of emotional abuse include excessive overprotection and unrealistic pressure to succeed. In addition, it may include intimidation, humiliation, verbal abuse, harassment or discriminatory harassment.

#### c. Sexual Abuse

Sexual abuse involves forcing or enticing a child or vulnerable adult to take part in sexual activities whether or not the child or vulnerable adult is aware of or consents to what is happening. It may also involve non-contact activities such as showing pornographic material, sexual innuendo or encouraging someone to behave in a sexually inappropriate way.

#### d. Neglect

Neglect is the persistent failure to meet a child's or vulnerable adult's basic physical and/or psychological needs. These needs include adequate food and warm clothing and also medical care, social care and educational services. Neglect may include simply being left alone or excluded.

### 7 Recognising Abuse

This is not always easy to do, and it is not the responsibility of Cllrs and staff to decide whether abuse has taken place, or if a child or vulnerable adult is at significant risk. However, Frome

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Town Council does have a responsibility to act and report promptly if they have any concerns or suspicions.

Indications that a child or vulnerable adult may be subject to abuse include:

- Unexplained or suspicious injuries such as bruises, cuts and burns particularly if situated on parts of the body not normally prone to such injuries
- Injuries for which an explanation seems inconsistent
- Fear of parents or carers being approached about such injuries
- Flinching or cowering when touched or approached
- Sudden or unexplained changes in behaviour
- Fear of being left with a specific person
- Changes in appearance - sudden loss of hair, dirtiness, weight loss etc.
- In children, a failure to grow and thrive and showing difficulties in making friends or socialising
- In vulnerable adults, a loss of assets and possessions

This list is by no means exhaustive and it is important to remember that many children and people will exhibit some of these indicators at some time, and the presence of one or more should not be taken as proof that abuse is occurring.

It is crucial that Cllrs and staff realise that this is only a process of observation and that at no point should Cllrs or staff actively seek out abuse or an abuser. The Town Council's responsibility is to ensure that any concern about the welfare of someone is reported and to never assume that others will do it.

### 8 Responding to Allegations and Suspicions of Abuse

It is vitally important the details of an allegation or an incident of abuse or mistreatment are carefully recorded, regardless of whether or not the concerns are later shared with a statutory agency.

An accurate record should be made of:

- The date and time of the incident and/or disclosure
- The parties who were involved
- What was said and done by whom
- The full name of the person reporting and to whom reported

And where appropriate:

- Any action taken by Frome Town Council
- Reasons why there was no referral to a statutory agency

#### a. Responding to a child or vulnerable adult making an allegation of abuse against a Councillor, staff member or contractor

Cllrs and staff will stay calm and listen carefully, allowing the child or person to continue at their own pace and reassure them that they have done the right thing in speaking out. It may be necessary to ask questions for clarification only and at all times asking questions that suggest a particular answer (i.e. leading questions) should be avoided.

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The record keeping advice should be followed and, at an early opportunity, it must be explained to the child or vulnerable adult that the information will need to be shared. Do not promise to keep secrets.

These allegations should be recorded and reported to the Town Clerk at the earliest opportunity. If the allegations are made in respect of the Town Clerk then the report must be made to the Leader of the Council.

### b. Responding to suspicions that a Councillor or member of staff may be abusing a child or vulnerable adult or not following the code of good practice

Anyone that suspects a colleague may be abusing a child or a vulnerable adult should act on their suspicions immediately. These suspicions should be recorded and reported to the Town Clerk at the earliest opportunity. If the suspicions are raised in respect of the Town Clerk, then the report must be made to the Leader of the Council.

If the matter relates to poor practice the disciplinary/capability procedures may be followed, as detailed in the Staff Handbook.

If it relates to abuse, the matter will later be referred to Social Services who may also involve the Police. The person concerned will be suspended pending the outcome of an internal investigation into the allegations.

Frome Town Council acknowledges that this is an extremely sensitive issue for staff and everyone working on its behalf. The Council will fully support and protect anyone who, in good faith, reports a concern that a colleague is or may be abusing a child or a vulnerable adult.

## 9 Confidentiality

The legal principle that the welfare of the child or vulnerable adult is paramount means that the consideration of confidentiality, which might apply to other situations within the Council, should not be allowed to override the right of the person to be protected from harm.

However, where possible every effort should be made to ensure that confidentiality is maintained for and by all concerned when an allegation is made and whilst it is being investigated.

The Council will seek to balance protecting children and vulnerable adults from harm whilst protecting its staff from the risk of unfounded allegations.

The Town Clerk will be responsible for dealing with all allegations and suspicions of abuse concerning a member of staff, in conjunction with any relevant authorities and agencies.

The Monitoring Officer at Mendip District Council will be responsible for dealing with all allegations and suspicions of abuse concerning Councillors, in conjunction with any relevant authorities and agencies.

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The Town Clerk or Monitoring Officer will not decide if anyone has been abused - this is the task of Social Services, which has the legal responsibility.

### 10 Recruitment, Training and Monitoring

All successful applicants for posts involving contact with children or vulnerable adults will be subject to a Disclosure and Barring Service (DBS) check to ensure there are no irregularities in their background which may give cause for concern. This check will be carried out by Frome Town Council prior to employment.

Similarly, staff who regularly have direct and indirect contact with children or vulnerable adults will have training to raise their awareness of protection issues at their induction and at regular intervals throughout their employment at Frome Town Council.

### 11 Publicity – Guidance Notes

These guidelines should be followed if commissioning photographs of children and vulnerable adults or if planning photography of children and vulnerable adults at events and using visual media for publicity purposes.

The guidelines apply to both professional photographers / camera personnel and Cllrs or staff taking personal or informal photographs at Town Council events.

#### a. Child and Vulnerable Adult Protection Issues and Visual Media

For the protection of children and vulnerable adults, it is essential that the event organiser obtains a written validation of consent from the subject(s) and their parent(s) or guardian(s) before any images are used.

The request for consent should include an explanation of what the film or footage will contain and how the images will be used.

Where Frome Town Council has commissioned a photographer or camera person to attend a Frome Town Council event, they will be requested to abide by the following requirements:

- Only take photographs or footage at the designated event or venue
- Ensure that they take the audience and purpose into proper consideration when publishing any photographic/film material i.e. focus on the activity, rather than full shots of children or vulnerable adults.

#### b. Appropriate Editorial Content

All photographs used in publicity materials must fulfil the following set of criteria to ensure the publication is produced to the highest standard, the content is appropriate and falls in line with equity issues. This includes choosing images which show all sections of society including representatives from black and ethnic communities, people with disabilities etc.



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Photographs must not be edited in any way from the originals, for example disproportionately re-sizing, changing colours, distorting the images or air brushing.

Visual contents or captions cannot be used as means of identifying children or vulnerable adults. This includes names, addresses or any other unnecessary information, which could be used to trace the child or vulnerable adult.

This information must also be withheld in all reproductions.

### c. Copyright, Credits and Labelling

Any professional companies or organisations that provide photographs must be appropriately credited before using them. Images supplied should be cleared for copyright and with permission to print or re-produce.

### d. Security of Images

All images, photographs and footage should be stored securely, with access to transparencies, film or hard prints restricted to appropriate staff. These arrangements will help to protect potentially any inappropriate use of the collection.

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### Appendix 1

#### Frome Town Council Constitution chapter 10 Complaints Procedure

Frome Town Council aims to provide you with the best possible service and if you're not happy about it, we'd like to hear from you. It's usually better to approach a Councillor or member of staff informally and try to resolve the situation. If that isn't possible or if that approach hasn't worked for you, you should follow this complaints procedure.

1. We take all complaints seriously and do our best to learn from them. We will investigate complaints in a fair and confidential way. Making a complaint about us does not mean you will be treated differently to any other resident in the future. You will be treated politely and with respect.
2. This complaints procedure applies to complaints about our administration and procedures, including complaints about how our staff have dealt with your concerns.
3. This complaints procedure does not apply to complaints:
  - by one council employee against another council employee or by a council employee and the council as employer. These matters are dealt with under the council's disciplinary and grievance procedures, which can be found in Chapter 4 of our constitution called Staff Handbook.
  - against Cllrs. These types of complaint refer to a breach of the Cllrs Code of Conduct, which can be found at Chapter 9 of our constitution. If this is the case, you should contact the district Monitoring Officer who is based at Mendip District Council offices in Shepton Mallet.
4. The best time for influencing Council decision-making is by raising your concerns before the Council debates and votes on a matter. You may do this by writing to the Council in advance of the meeting at which the item is to be discussed or by simply coming to the meeting in person. There is always an opportunity to raise your concerns in Council meetings. If you are unhappy with a Council decision, you may raise your concerns with the Council.
5. However, if your complaint is about our procedures or administration we have a three stage process. The process has been designed to ensure your complaint is dealt with as efficiently and satisfactorily as possible.
6. The three stage process is outlined below:

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### Stage 1

- Your complaint will initially be dealt with by the Town Clerk who will acknowledge your complaint within two working days. You may do this in person, by phone, or by writing to or emailing. The addresses and numbers are set out below.
- The Town Clerk will investigate each complaint and may ask for further information as necessary from you and/or from Cllrs or staff.
- The Town Clerk will try to resolve your complaint within five working days.
- If this is not possible, the Town Clerk will acknowledge your complaint within five working days and provide an estimate how long the investigation is likely to last.

### Stage 2

- If you are not satisfied with the decision of the Town Clerk or if your complaint concerns the Town Clerk, you may make your complaint directly to the Leader of the Council.
- The Leader of the Council will investigate each complaint and may ask for further information as necessary from you and/or from Cllrs or staff.
- The Leader of the Council will try to resolve your complaint within five working days.
- If this is not possible, the Leader will normally acknowledge your complaint within five working days and estimate how long the investigation is likely to last.

### Stage 3

- If you still remain dissatisfied with the response to your complaint, you may ask the Leader of the Council to refer it to the Council.
- Your complaint will be considered by Cllrs in a confidential session at the next Council meeting. You will be invited to attend this meeting and you will be notified in writing of the outcome of the review of your complaint after the meeting.

### Taking things further

We hope that we are able to satisfactorily resolve your complaint. However, if you are unhappy with the action we have taken you can contact the following organisations:

The Monitoring Officer, Mendip District Council, Cannards Grave Road, Shepton Mallet, BA4 5BT

For more information visit <http://www.mendip.gov.uk/council> or call 0300 303 8588

For complaints that were related to financial matters where you think we have acted illegally or improperly please contact our External Auditor, PKF Littlejohn

For more information visit [www.pkf-littlejohn.com](http://www.pkf-littlejohn.com) or call 020 7516 2200

For complaints about information you have requested under the Freedom of Information Act 2000 or Data Protection Act 2018 contact the Information Commissioner

For more information visit [www.ico.org.uk](http://www.ico.org.uk) or call 0303 1231113