

## **Safeguarding Guidance for Providers of Children's Services**

*SAFEGUARDING AND CHILD PROTECTION MUST BE IMPLICIT AND APPLICABLE TO ALL THE ACTIVITY AND PROCESSES OF SERVICE PROVIDERS*

### **Purpose of this Guidance**

This guidance is exclusively to support Lambeth Council commissioners with the safeguarding of children, via monitoring of providers through contract management processes (including reviews and monitoring meetings). This guidance is not an alternative to substantive safeguarding and child protection legislation, policy, procedures and processes from government, regulators and specialist organisations such as the Disclosure and Barring Service, for example, or those internal to the provider. Service providers must work to those substantive documents and processes and not replace them with this guidance.

This guidance outlines the safeguarding expectations that Lambeth Council has in relation to service providers or agencies commissioned to deliver services. These guidelines relate to all Lambeth children and adults at risk within and beyond the borough boundary. This guidance has been developed by the Local Authority Designated Officer (LADO) and children's commissioners to ensure that partners clearly understand their safeguarding responsibilities and undertake them accordingly.

Service providers are required to sign the undertaking of expectations in this document, which may be adjusted as required by commissioners during the term of service delivery.

### **Legislative Context**

The Children Act 1989 is the Legislation that has been written to protect the welfare of children who are at risk and children who may need services. This tells you exactly what you need to do if you suspect a child or young person is at risk of harm or in need of support. All providers have a duty to abide by the principles established by the Children's Act in conjunction (but not limited to) with other legislation such as

- The Education Act (2002) Section 175
- The Children Act 2004
- Working Together to Safeguard Children 2006
- The Children's and Families Act 2014
- The Care Act 2014
- The Mental Capacity Act 2010

The Children Act 1989 states the legal definition of a child is "a person under the age of 18". Safeguarding concerns in relation to a child must be referred to the Local Authority. Where these concerns related to a person in a position of trust, a referral should go to the Local Authority Designated Officer (LADO).

An adult at risk is any person who is aged 18 years or over and at risk of abuse or neglect because of their needs for care and/or support. Where someone is over 18 but

still receives children's services and a safeguarding issue is raised, the matter should be dealt with under an adult safeguarding procedure. .

Service users, aged 19 - 25 years old who have an Education, Health and Care Plan, would be considered as having 'care and support needs' as per S42 of The Care Act. They would therefore fall under an adult safeguarding threshold should there be concerns they are experiencing abuse or neglect.

It is the provider's responsibility to provide safe, good quality care and support. Lambeth Council takes the view that in the interests of good practice there should be a clear policy and associated practices to guide work with under-18s and adults at risk. Service providers should ensure their policies and practice remain up to date, in line with the latest legislation and both local and national guidance.

Effective safeguarding includes extensive safer pre-employment checks; ensuring child/young adult wishes, feelings and experiences inform all arrangements and decisions; risk assessing all types of incidents and change; child/young adult centred planning; competent and appropriately paid staff; regular supervision; adequate disciplinary processes; an appropriate personnel / employment advice service that is accessible to the provider.

The provider is expected to provide relevant training to all staff to include, mental capacity act, child and adult safeguarding and Designated Safeguarding Lead (DSL) training. The provider will keep up-to-date on training provided locally and ensure that staff regularly attend safeguarding training where offered by the Lambeth Safeguarding Children's Partnership and / or Lambeth Safeguarding Adults Board.<sup>1</sup> The provider must make accessible relevant policies and practices (safeguarding, whistleblowing, safer recruitment, disciplinary, capability etc) to all staff. These must be regularly reviewed, ensuring training, policies and procedures are always up to date.

### **Monitoring Process**

Commissioners will regularly assure themselves of the safety, effectiveness and outcomes for children/young adults of the commissioned services.

The specific monitoring arrangements for each service will be specified by the commissioner, as part of contract management and monitoring. This will typically involve the following process (but may vary by area):

- Annual contract review
- Annual completion of the Section 11 Self-Assessment Audit Tool <https://www.lambethsab.org.uk/children/professionals/policy-procedures>
- Quarterly monitoring process of the commissioning service or equivalent with the provider, or more often as necessary and, or as part of the other methods in the service specification. The monitoring form will include the name and contact details for the Designated Safeguarding Lead (DSL).

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<sup>1</sup> <https://www.lambethsaferchildren.org.uk/training> and <https://www.lambethsab.org.uk/training>

- Monitoring of the Safeguarding KPIs below (in addition to outcomes and KPIs listed in the service specification):

KPI	Service Area	KPI description	Performance Measure

**Core Safeguarding KPIs across all services to include:**

- Data / numbers in the use of restraint or restrictive intervention (excluding semi-independent provision)<sup>2</sup>
- Data / numbers of referrals to Children/Adult Social Care
- Data / numbers of adult safeguarding concerns recorded but not reported
- Data / number of child protection referrals
- Data / numbers of contacts or referrals to the LADO service
- Data / numbers of complaints and the themes of complaints
- Details of the satisfaction process for parents / carers, children, other professionals
- Data / numbers of staff supervision with written / signed records that focus on each child
- Data / numbers for episodes of staff discipline, incident with outcomes or capabilities
- Data / numbers of staff and safeguarding training sessions provided to each member of staff
- Data / numbers of safer recruitment training sessions provided to staff

**For specific commissioned services, commissioners may request monitoring information against additional Safeguarding KPIs which may include:**

- Data / numbers of risk assessments by category in the quarterly monitoring report and their timeliness
- Data / numbers of safety plans (where applicable) and their timeliness
- Redacted examples of risk assessments and safety plans should commissioners request a sample for audit, evidence of compliance, safety planning and competency
- Data / numbers of accurate and up to date records for the needs of each child/young adult, which are maintained and communicated to staff in advance of each session / contact
- Evidence of mental capacity assessments and best interests decisions for 16 years old+ who are subject to restraint or restrictive interventions

Failure to comply with monitoring and safeguarding requests, may trigger Lambeth’s provider concerns process.

**Coproduction with Children and Families**

Lambeth is committed to involving families in the design, delivery and review of services. Where appropriate, and with the consent of families, commissioners may

<sup>2</sup> As semi-independent provision is not regulated by Ofsted and staff are not uniformly trained to restrain, it would be unacceptable for them to restrain a young person.

seek feedback from children, young people and their families on the quality of services received. Service providers will be made aware of arrangements for commissioners gathering feedback, in addition to the ongoing feedback that providers collect from service users.

### **Summary of Safeguarding Requirements (not exhaustive list):**

Lambeth commissioned providers are expected to, as a minimum:

**Have in place clear Child Protection / Safeguarding Children Now Procedures,** outlining measures for:

- Responding appropriately to child protection allegations, concerns, suspected abuse, disclosure and other hazards from all sources including “contextual” harm for the welfare of a child including allegations against staff and volunteers (London Child Protection Procedures [https://www.londoncp.co.uk/images/consultation\\_banner.png](https://www.londoncp.co.uk/images/consultation_banner.png))
- Identifying the risk for danger and harm to children, contacting Children’s Social Care and in discussion with them implementing a safety plan
- Reporting incidents and responding to risk of incidents for suspected abuse and harm to a child. This could include incidents taking place during the delivery of the service, in their families and other relationships, allegations against staff and volunteers, children who are missing, use of non-prescribed drugs, criminal activity, self-harming, being sexually groomed or otherwise exploited (For example, “County Lines” or other types of “contextual” harm etc.) This also includes staff with safeguarding concerns or convictions in their DBS check, their references or police involvement with staff for their part in suspected crimes or incidents of a safeguarding type (read the London Child Protection Procedures for more details [https://www.londoncp.co.uk/images/consultation\\_banner.png](https://www.londoncp.co.uk/images/consultation_banner.png) and Lambeth Safer Children <https://www.lambethsaferchildren.org.uk/take-action>)
- Undertaking routine self-assessment, including completion of the S11 Audit Tool on at least an annual basis
- Ensuring a Whistleblowing Policy is in place

**Have in place clear Adult Safeguarding Procedures outlining:**

- Clear lines of responsibility for responding and reporting adult safeguarding concerns within your organisation
- Agreed Safeguarding Lead responsible for reporting adult safeguarding concerns to the relevant local authority (commissioned local authority and host local authority where the ‘abuse’ may be occurring)
- Duty of candour – responsibility of the Provider to report themselves where an incident or action(s) has or could have resulted in harm to an adult at risk
- Agreed system of tracking the numbers of adult safeguarding concerns within the provider so this can be provided at monitoring visits
- Duty to report to the Care Quality Commission (CQC) any incidents of suspected abuse or neglect
- Reference to and in line with the [London Adult Safeguarding Policy and Procedure](#)

It is the provider's responsibility to ensure all policies and safeguarding procedure are updated accordingly and staff are made aware and appropriately trained with ongoing training during the life of the contract.

### **Ensure that staff can identify and respond to indicators of abuse and neglect**

- Ensure all staff can identify indicators and confidently understand how to respond to an allegation or suspected abuse in accordance with London Child Protection Procedures and London Adult Safeguarding Policy and Procedures
- Ensure staff understand the role of the Lambeth Local Authority Designated Officer (LADO) and the Designated Safeguarding Lead (DSL) at the provider
- Where a child is suffering, or is likely to suffer from harm, it is important that a referral is made immediately to Children's Social Care (and if appropriate the police). Referrals should follow the local / Lambeth referral process (Working Together to Safeguard Children 2018 - [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/779401/Working\\_Together\\_to\\_Safeguard-Children.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/779401/Working_Together_to_Safeguard-Children.pdf))

### **Make referrals to the Local Authority Designated Officer (LADO) where appropriate:**

An alleged incident against staff (paid or volunteer, permanent or agency or contractor) working in a position of trust with children that is sufficiently serious to suggest risk of harm to a child from either emotional, physical or sexual abuse and, or neglect must be referred to the LADO in 24 hours where the person has:

- behaved in a way that has harmed, or may have harmed a child;
- possibly committed a criminal offence against, or related to a child;
- behaved towards a child in a way that indicates s/he is unsuitable to work with children

This includes incidents at work, their personal life or for the person/s with whom they associate outside of work. A failure to report an allegation within 24hrs is a potential disciplinary matter.

Where in doubt, discuss the concern or allegation with the Lambeth Children's Commissioning service, Lambeth Children Social Care or the LADO for the area in which your service is based / managed <https://www.lambethsaferchildren.org.uk/> or simply google "LADO" preceded by the name of the local authority in which your organisation is located e.g. "Manchester LADO".

### **Make referrals to the adult safeguarding team where appropriate**

Adults safeguarding concerns can be completed online at [www.lambeth.gov.uk/forms/raising-concerns-that-an-adult-may-be-at-risk-form](http://www.lambeth.gov.uk/forms/raising-concerns-that-an-adult-may-be-at-risk-form) or search for "safeguarding adults raising concerns" on [www.lambeth.gov.uk](http://www.lambeth.gov.uk)

If the matter is urgent and you would prefer to speak with someone, call 0207 926 5555 and ask to speak to an Initial Contact Service Manager.

### **Have a clear line of accountability for safeguarding and promoting the welfare of children/young people**

- Ensure there is a Named Designated Safeguarding Lead (DSL) Officer within the provider / agency at both Operational and Director / Committee / Board or equivalent non-operational level to deal with all aspects of Child Protection including all allegations against staff. This person shall receive appropriate training in their role and responsibilities.
- The DSL will be the Case Manager communicating and deciding with the LADO how an incident is managed; this must be a person of sufficient seniority and authority to make the decisions of whether the subject adult of an allegation is suspended, whom has access to HR records to complete the allegations referral form and pursue the actions requested of them by the LADO in gathering information to make a threshold decision and implement the safety plan.

**Oversee safer recruitment, selection and pre-employment vetting in full compliance with:**

- ID checking guidelines of the Disclosure and Barring Service (DBS) check applications <https://www.gov.uk/government/collections/dbs-checking-service-guidance--2>
- Relevant prompts in Part Three: Safer Recruitment in Keeping Children Safe in Education statutory guidance for schools provides minimum good practice checklist/ prompts <https://www.gov.uk/government/publications/keeping-children-safe-in-education--2>
- Ensuring all necessary registrations are checked i.e. Qualified Social workers

**Ensure staff competency appropriate to the needs of children/young adults**

- This should respond to the training, management and supervision and learning and development requirements outlined in Lambeth service specifications;
- Ensure that child/young adult's wishes, feelings and experiences are central to all planning, delivery, review and decisions made for the child/young adults;
- Develop and regularly review care/support plans for each child/young adult, in accordance with latest legislation and guidance;
- Conduct routine risk assessment and risk management to identify and mitigate potential safeguarding hazards, alleged incidents and concerns plus broader health and safety of medicines, personal care, diet, environment and management of challenging behaviour etc;
- Ensure appropriate disciplinary processes are in place and implemented Training and Development of Staff ;
- Staff disciplinary process (<https://www.gov.uk/guidance/barring-referrals>)<sup>3</sup>

It is the provider's responsibility to ensure good practice and adhere to all the relevant legislation in place protecting children from harm and abuse and staff are fully checked.

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<sup>3</sup> Working Together To Safeguard Children p58 – “If an organisation or agency removes an individual (paid worker or unpaid volunteer) from work in regulated activity<sup>37</sup> with children (or would have, had the person not left first) because the person poses a risk of harm to children, the organisation or agency must make a referral to the Disclosure and Barring Service to consider whether to add the individual to the barred list.”