



**Bursledon Parish Council
Child & Vulnerable Adult Safeguarding Policy
(Adopted by Full Council on Jan 2018)**

Approvals

The signatures below certify that this procedure has been reviewed and accepted, and demonstrates that the signatories are aware of all the requirements contained herein and are committed to ensuring their provision.

	Version	Name	Signature	Position	Date
Prepared by	1	J Whittle		Parish Clerk	28/04/14
Reviewed by	1	Full Council			28/04/14
Approved by	1	Full Council			28/04/14
Prepared by	2	R Potter	R Potter	Parish Clerk	18/12/16
Reviewed by					
Approved by					

Amendment Record

This procedure is reviewed to ensure its continuing relevance to the systems and process that it describes. A record of contextual additions or omissions is given below:

Page No	Context	Revision	Date
4	expanded terms of reference to specify vulnerable adult	"and vulnerable adults" added to the end of the introduction	18/12/16
4	Reworded definition of vulnerable adult	Remove wording "<i>because of a disability or illness may be in need of community care services</i>" and replace with and "is or may be, in need of community services due to age, illness or a mental or physical disability"added examples eg a person who: is frail due to age has drug or alcohol problems has a learning disability has a mental or physical ill health or disability Added additional explanation of vulnerability Vulnerability is related to how able an adult is to make and exercise their own informed choice, free from duress or undue influence, and to protect themselves from abuse, neglect and exploitation. There is no hard and fast rule: an adult should be assumed to be covered by this policy unless there is information to indicate that they are not.	18/12/16
6	Reason for policy added	See item 5	18/12/16
6	Definition of physical abuse updated	text added - failing to provide physical care and aids to living	18/12/16
	Definition of emotional abuse updated and extended to include psychological abuse	Text added including verbal abuse, shouting, swearing, threatening abandonment or harm, isolating, taking away privacy or other rights, bullying/intimidation, blaming, belittling, silencing, controlling or humiliating	
	Definition of sexual abuse updated and extended,	Text added to include specific sexual offences, powerlessness and grooming	
	Definition of neglect redefined to increase the scope	See definition of neglect	
	Definition of financial and material abuse updated	See definition of financial and material abuse	
	Discriminatory abuse added	See definition	

	Institutional abuse added	See definition	

Bursledon Parish Council

Child & Vulnerable Adult Safeguarding Policy

Updated/Adopted May 2014 (following a resolution of Full Council April 2014)

1. Introduction

- 1.1 This policy is based on our responsibilities under the Children Act 2004, specifically Section 11 which places a duty on key people and public bodies, including district councils, to make arrangements to ensure that their functions are discharged with regard to the need to safeguard and promote the welfare of children and vulnerable adults.

2. Bursledon Parish Council's commitment

- 2.1 Bursledon Parish Council believes that all children, young people and vulnerable adults have the right to be safe, happy and healthy and deserve protection from abuse. The Council is committed to safeguarding from harm all children, young people and vulnerable adults using any of its services and involved in any of its activities, and to treat them with respect during their dealings with the Council.

3. Aim of the Policy

- 3.1 The aims of the policy are to:

- Clarify the roles and responsibilities of all parties within the scope of the policy.
- Support the promotion of a safe working environment and a culture of care in which the rights of all children, young people and vulnerable adults are protected and respected.
- Promote best practice in how employees and associated workers interact with children, young people and vulnerable adults while providing Council services.
- Develop clear guidance and procedures for those employees working with children, young people and vulnerable adults and ensure through training and support that they are aware of these and able to implement them.
- Provide a framework for working with the Hampshire Safeguarding Board.

4. Scope of the Policy

- 4.1 The policy is in respect of the Council's responsibility towards:

- Children (including unborn children) and young people, legally defined as any person under the age of 18. From this point the terms child or children will be used to refer to this group.
- Vulnerable adults defined, for the purposes of this policy, as anyone over the age of 18:
who is or may be, in need of community services due to age, illness or a mental or physical disability
who may be unable to take care of themselves or protect themselves from significant harm or exploitation
anyone detained by Her Majesty's Government or in contact with probation services.
We also consider people experiencing domestic abuse as vulnerable adults under this policy.

eg a person who:
is frail due to age
has drug or alcohol problems
has a learning disability
has a mental or physical ill health or disability

Vulnerability is related to how able an adult is to make and exercise their own informed choice, free from duress or undue influence, and to protect themselves from abuse, neglect and exploitation. There is no hard and fast rule: an adult should be assumed to be covered by this policy unless there is information to indicate that they are not.

- The employees of the Council who have dealings with children, young people and vulnerable adults and who are required to act in a position of trust and to act responsibly and within the law.
- The employees and Members of the Council who, while not required to act in a position of trust, will come into contact with members of these groups on a regular basis during the course of their work.
- Volunteers and other workers involved in the provision of Council services but not employed by the Council, including workers in organisations with whom the Council has contracts for the delivery of services.

4.2 It covers all the functions and services of the Council, its elected members, staff, volunteers and contractors. Partner organisations will be informed of the policy as required.

4.3 The policy does not cover health and safety issues related to safeguarding children such as use of play equipment or provision of food at events.

4.4 This policy should also be used in conjunction with:

- [Disciplinary Policy and Procedure](#)
- [Grievance Policy and Procedure](#)
- [Whistle Blowing Guidance](#)
- [Data Protection Policy](#)

5.

5. Reason for the policy

Everyone, including children, young people and vulnerable adults, has the right not to be abused. We recognise the need to ensure their welfare when they come into contact with the services we provide.

6. Guidance for Staff and Members

What is abuse?

A person may abuse a child or vulnerable adult by inflicting harm, or by failing to act to prevent harm. Children and vulnerable adults may be abused in a family or in an institutional or community setting; by those known to them or, more rarely, by a stranger.

Physical abuse may involve hitting, shaking, throwing, poisoning, burning or scalding, drowning, suffocating, or otherwise causing physical harm, including by fabricating the symptoms of, or deliberately causing, ill health, failing to provide physical care and aids to living
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Emotional or psychological abuse is the persistent emotional ill-treatment or rejection of a child or vulnerable adult including verbal abuse, shouting, swearing, threatening abandonment or harm, isolating, taking away privacy or other rights, bullying/intimidation, blaming, belittling, silencing, controlling or humiliating; such as to cause severe and persistent adverse effects on the victim's emotional development or self-esteem. It may involve conveying to the victim that they are worthless or unloved, inadequate, or valued only in so far as they meet the needs of another person. It may involve age or developmentally inappropriate expectations being imposed, causing the victim frequently to feel frightened, or the exploitation or corruption of children or vulnerable adults. It may involve deprivation of contact, control, coercion, intimidation or harassment.

Sexual abuse including sexual assault, rape, forcing or enticing a child or vulnerable adult to take part in sexual acts they don't understand or feel powerless to refuse, Grooming a child, young person or vulnerable adult in preparation for abuse whether or not the victim is aware of what is happening. The activities may involve physical contact, including penetrative or non-penetrative acts. They may include involving the victim in looking at, or in the production of, pornographic material, or encouraging them to behave in sexually inappropriate ways.

Neglect is the persistent or severe failure to meet a person's basic physical and psychological needs. It will result in serious impairment of their health or development, and can include withholding shelter, food, drink, heating and clothing, failing to provide access to health, social and educational services, ignoring physical care needs, exposing a person to unacceptable risk, failing to ensure adequate supervision or unresponsiveness to the basic emotional needs of a child; In vulnerable adults this may appear to be as a result of self-neglect but still requires action.

Financial or material abuse is illegal or improper use of an adult's property, money or other assets without their informed consent or where the consent is obtained by fraud. It can include withholding money or possessions, theft of money or property, fraud, intentionally mismanaging finances, borrowing money and not repaying;

Discriminatory abuse: including slurs, harassment and maltreatment due to a protected characteristic (Equality Act 2010);

Institutional abuse: including the use of systems and routines which neglect a person receiving formal care e.g. in a children's home

Signs of abuse

4.1. There are many possible signs of abuse, none being conclusive on their own. Examples include: ☐ Unexplained injury / weight loss / cuts and bruises / dirtiness ☐ Changes in behaviour ☐ Depression / low self-esteem ☐ Lack of self-care / dehydration / abnormal eating pattern ☐ Harm to self ☐ Obsessive behaviour ☐ Bills not being paid ☐ An overly critical or disrespectful carer who may bully or undermine ☐ Isolation from usual network of friends, family or community

5. Safeguarding

5.1. Safeguarding children from abuse and promoting their welfare means: ☐ protecting children from maltreatment; ☐ preventing impairment of children's health or development; ☐ ensuring children are growing up in circumstances consistent with the provision of safe and effective care; ☐ taking action to enable all children to have the best outcomes.

5.2. Safeguarding vulnerable adults means protecting them from maltreatment, and preventing injury or significant harm. Abuse violates an adult's human and civil rights. It

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can vary from treating someone with disrespect in a way which significantly affects the person's quality of life, to causing actual physical suffering.

5.3. A safeguarding concern arises if abuse is suspected or disclosed. Abuse can happen anywhere – at home, in a residential or nursing home, a hospital, in the workplace, at a day centre or educational establishment or in the street.

Who is responsible for protecting children and vulnerable adults?

Responsibility for the implementation of this policy lies at all levels of the Council.

Council Members are responsible for ensuring that the Council has a policy, which adequately provides protection for children and vulnerable adults in receipt of its services and for the regular review of this policy in the light of changes to legislation e.g. Data Protection Act, or new legislation or regulation.

The Parish Clerk are responsible for:

- Identifying those services and posts that are likely to have an involvement with children and vulnerable adults.
- All staff and volunteers will be trained in child and vulnerable adult protection. The Unit Head is responsible for identifying the level of training required and ensuring this is provided.
- Ensuring that those people appointed by them to the Borough Council, whose normal duties involve caring for, training, supervising or being in sole charge of children or vulnerable adults are screened via the Disclosure and Barring Service process at the appropriate level and are appropriately qualified and/or trained in working with these groups.
- Ensuring that all necessary procedures and practices are in place to provide adequate protection both for the individuals in these groups and also protection for the employees involved with them.
- Ensuring that employees, volunteers and other workers dealing with these groups are adequately trained and aware of their responsibilities in this area.
- Ensuring that external contractors delivering Council Services are aware of the Council's expectation that workers are aware of and abide by the standards of behaviour expected of Council employees.
- Ensuring that carers and/or parents of the children and vulnerable adults are aware that, in providing services, Council employees are not acting in loco parentis.
- Ensuring that this policy is made available to carers and/or parents of the children and vulnerable adults to whom the Council is providing services.
- Ensuring that any evidence or complaint of abuse or lack of care is reported to the appropriate body e.g. children's Services or Adult Services at Hampshire County Council.

- Ensuring that employees and others do not work with children or vulnerable adults on regulated activities without a DBS check.
- Ensuring that proper records are kept of any incidents occurring within their service and that these are held securely and/or passed on to the designated Safeguarding Officer (paid or voluntary) and also to Human Resources if the incident involves a member of staff.
- Working with other associated agencies to ensure the proper transfer of information relating to dealings with children and vulnerable adults, where necessary.

The Parish Clerk is responsible for:

- Working with officers and volunteers in maintaining a record of those posts that are likely to involve working with children and vulnerable adults and identifying the level of involvement and the appropriate level of screening required.
- Ensuring that recruitment procedures are robust and that information pertinent to working with these groups is obtained during the recruitment procedure.
- Ensuring that all DBS checks are carried out at the level required in respect of every job identified as working with children and vulnerable adults.
- Supporting Officers and Volunteers in dealing with allegations of abuse or lack of care by staff.
- Referring any information about individuals who may pose a risk to the DBS.

Employees:

All employees and particularly those working with children and vulnerable adults are responsible for:

- Ensuring that they are familiar with and understand the policies and procedures relating to their work with or in the vicinity of children and vulnerable adults.
- Ensuring that they feel confident in working within this environment and working with their managers to ensure that they have the knowledge and skills to carry out their tasks in this context.
- Reporting to their line manager any concerns they may have about abuse or a lack of care of children and vulnerable adults either from other staff, from carers, parents or those in loco parentis or between members of the group.

Volunteers, contractors and other workers are responsible for:

- Working with employees of the Council, to the same standard, in ensuring the safety and well-being of children and vulnerable adults within their scope.
- Participating in any training or development opportunities offered to them to improve their knowledge of skills in this area.
- Reporting to their line manager any concerns they may have about abuse or a lack of care of children and vulnerable adults either from other staff, from carers, parents or those in loco parentis or between members of the group.

6.1. We all have a responsibility to report any safeguarding concerns over the welfare of children, young people or vulnerable adults. This extends to the identification of signs of abuse; poor practice by staff, councillors and others acting for or on behalf of the council, and allegations brought to our attention by a member of the public. Reporting safeguarding concerns can prevent serious abuse or harm from happening, or from escalating.

6.2. Staff and councillors must not attempt to investigate abuse themselves; neither must they confront anyone who is allegedly responsible for abuse nor tell them that allegations have been made about them.

6.3. The officer responsible for receipt of concerns and forwarding them on is the Clerk. If the Clerk is absent do not wait for him/her to return to work.

6.4. Report safeguarding allegations or concerns to East Sussex County Council Children's or Adults Services at the earliest possible opportunity, and at least within 24 hours. If it is outside working hours contact the East Sussex County Council Emergency Duty Team on 01323 636399.

6.5. Dial 999 if a child, young person or vulnerable adult may be in imminent danger or a criminal offence may have been committed.

6.6. ESCC or the Police should be given as much factual information as possible. For example: ☐ The child, young person or vulnerable adult's name and address (and parents'/carers' address if different); ☐ The reason for concern – a note of significant events or conversations should be made as promptly as possible to assist with any referral and subsequent investigation. Evidence such texts or Facebook entries should be preserved; ☐ Any other known factors which may be contributing to the problem; ☐ Additional information such as age (or date of birth), ethnicity, religion, language and disabilities / specific needs. However, the safeguarding concern should still be reported whether or not the information is complete.

What do I do if I think a child or vulnerable adult is in danger?

If you think a child or vulnerable adult is in immediate danger or a crime has been committed then always contact the police on 999. Report your action to your Unit Head and afterwards to the designated Safeguarding Officer via safeguarding@eastleigh.gov.uk and complete a record of referral form (available on the intranet under Council/Safeguarding).

Otherwise make a referral to:

Children

Children's Services

0845 603 5620 (office hours)

0845 600 4555 (out of hours)

Adults

Adult Services

0845 603 5630 (office hours)

0845 600 4555 (out of hours)

Adult Services Advice Line 01962 847214

If possible discuss your concerns with your Line Manager or designated Safeguarding Officer (Helen Coleman) or Strategic Safeguarding Lead (Min Partner) but do not delay making a referral.

Following a referral a record of referral form must be completed.

You should be contacted by Adult or Children's Services after your referral within 24 hours to give you some feedback on your referral. You should then email this feedback to safeguarding@eastleigh.gov.uk. If you have not heard please send an email to safeguarding@eastleigh.gov.uk

What do I do if a child or vulnerable adult discloses to me that they are being abused?

Where appropriate a child or vulnerable adult should be made aware in advance that such information cannot be kept secret.

Do:

- Stay calm.
- Listen carefully.
- Find an appropriate, early opportunity to explain that it is likely that the information will need to be shared, but only with people who need to know and who can help.
- Allow them to continue at their own pace.
- Ask questions for clarification only and at all times avoid asking questions that suggest a particular answer.
- Reassure them that they have done nothing wrong in telling you.
- Tell them what you will do next and with whom the information will be shared.
- After they have disclosed, record in writing what was said using the victim's own words as soon as possible. Note the date and time, any names mentioned and to whom the information was given. Ensure the record is signed and dated. Try not to take notes at the time as this can be intimidating.
- Make a referral to Adult or Children's Services or the Police.
- Complete the record of referral form and email to safeguarding@eastleigh.gov.uk
- You can discuss the concern with your Line Manager or the designated Safeguarding Officer but do not delay making a referral to Children or Adult Services.
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Do not:

- Dismiss the concern.
- Panic.
- Allow your shock or distaste to show.
- Probe for more information than is offered.
- Make promises you cannot keep: such as agreeing not to tell someone else, keeping secrets.
- Speculate or make assumptions.
- Approach or contact the alleged abuser.
- Make negative comments about the accused person.
- Pass on the information to anyone other than those with a legitimate "need to know" such as the Unit Head.
- Delegate to others as the victim has specifically chosen you to talk to.

Remember that you are not responsible for deciding whether or not abuse has occurred. This is the task of the police and child or adult protection agencies following your immediate referral to them.

What do I do if I have suspicions that a colleague may be abusing a child or vulnerable adult, or not following good practice?

Any member of staff who suspects that a colleague may be abusing children or vulnerable adults should act on their suspicions. Action should also be taken if it is felt that colleagues are not following

the Council's policy for dealing with children and vulnerable adults. This action will serve not only to protect children and vulnerable adults, but also colleagues from false accusations.

If a child or vulnerable adult is in immediate danger you should report your concerns to the Police. You should advise HR or a senior manager in their Unit as soon as possible. If the danger is not immediate then contact Adult or Children's Services.

If you have concerns about behaviour or conduct of a colleague you should report your concerns to HR and to their line manager who will take appropriate action. You should also inform the Strategic Lead for Safeguarding (Min Partner) and you will be informed that the issue is being dealt with.

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

What information should I record?

As far as possible an accurate note should be made of:

- The date and time of the incident and disclosure.
- The parties who were involved.
- What was said and done by whom.
- Description of any visible injuries or bruising.
- Any further action taken by the Council to investigate the matter.
- Any further action e.g. the suspension of a worker.
- The full name of the person/s reporting and to who reported.

You should also record the Children or Adult Services member of staff to whom concerns were passed and the date and time of the call and any subsequent letters sent.

A record of referral form should be completed and emailed to safeguarding@eastleigh.gov.uk

These procedures not only serve to protect children but also protect employees, volunteers and the council itself.

What do I do if I am asked for information by another organisation?

If the information relates to a child:

The legal principle that 'the welfare of the child is paramount' means that the considerations of confidentiality that might apply to other situations within the Council should not be allowed to override the right of the child to be protected from harm.

However every effort should be made to ensure that confidentiality is maintained for all concerned both when the allegation is made and whilst it is being investigated.

The Council has a duty to share information with other agencies if requested in connection with an assessment of a child's needs under s17 of the Children Act 1989 or an enquiry under s47 of that Act or in connection with court proceedings.

Although the Data Protection Act 1998, Human Rights Act 1998 or common law duty of confidence would need to be considered the welfare of the child would normally override the need to keep the information confidential.

If you have any concerns contact the Legal and Democratic Services Unit who will be able to advise you.

If the information relates to a vulnerable adult:

The same principle as for child protection applies, that the safety and wellbeing of the vulnerable adult overrides considerations of confidentiality.

At present, the legal framework surrounding adult abuse is fragmented and there is no single duty for us to provide information as there is in child protection cases. Nevertheless the Council adheres to good practice and would share information if appropriate.

If you are asked by another agency to share information that relates to the assessment of a vulnerable adult you should comply but again if you have any concerns contact the Legal and Democratic Services Unit.

Where can I find more information?

Children Services

Call Hantsdirect:

0845 603 5620 (office hours)

0845 600 4555 (out of hours)

Adult Services

Call HantsDirect

0845 603 5630 (office hours)

0845 600 4555 (out of hours)

Adult Services Advice Line 01962 847214

[The NSPCC](#) website provides advice on keeping children safe. NSPCC Helpline 0800 800 5000

[Every Child Matters](#) is the Government website that provides information on the legislation and the wider issues of child welfare.

[The Independent Safeguarding Authority](#) website has information on vulnerable adults.

[Hampshire Safeguarding Children's Board](#) website. The HSCB learning and improvement framework has been produced in response to the requirement set out in Working Together 2013. This framework should enable organisations to be clear about their responsibilities, to learn from experience and improve services as a result.

[Elder Abuse](#) Response Helpline 0808 808 8141

Hampshire Police (non emergency) 0845 045 4545

Confidentiality, record keeping and sharing information

7.1 Information about safeguarding concerns should be regarded as confidential. The information is not secret, however, and Newhaven Town Council will co-operate with

investigations by East Sussex County Council Children's or Adults services, or the Police as

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applicable, and follow their advice to ensure that any risk to the safety of children, young people and vulnerable adults is addressed.

7.2 Where a disclosure is made it is important that the staff member does not promise the child/young person/vulnerable adult to keep the information secret but says that they will only disclose it to someone who can help them. 8. Allegations against a councillor or member of staff

8.1 If someone witnesses behaviour by a councillor, member of staff, contractor or partner, or an allegation is made about them that indicates that they have, or may have: ☐ harmed a child, young person or vulnerable adult, or put them at risk of harm; ☐ possibly committed a criminal offence against or related to a child, young person or vulnerable adult or ☐ behaved in a way that indicates they may pose a risk of harm to children, young people or vulnerable adults,

they must report it as a safeguarding concern to the Police and/or ESCC Children's or Adults Services at the earliest possible opportunity.

8.2 A councillor or member of staff must report any allegation made against them to the Clerk or Chair of the Council.

8.3. Safeguarding concerns and allegations relating to staff will be dealt with in accordance with the Disciplinary Procedure (including in instances where the member of staff resigns or leaves). However, investigations by the responsible authorities will take precedence over internal council procedures relating to conduct. The Clerk or Chair of the Council will liaise with the responsible authorities to agree the appropriate course of action.

8.4 The Clerk or Chair of the Council will seek advice from the East Sussex County Council Children's or Adults Services or Police prior to informing a member of staff of an allegation against them. The Clerk or Chair of the Council will offer appropriate welfare support to the member of staff and ensure that they are kept appropriately informed during any investigation process.

8.5 In accordance with the law, the council will refer to the Disclosure and Barring Service (DBS) any member of staff ☐ who was dismissed because they harmed a child or adult; ☐ who was dismissed or removed from working in a regulated activity because they might have harmed a child or adult otherwise; ☐ who would have been dismissed for either of these reasons, but they resigned first; or ☐ who works with children or vulnerable adults in regulated activity and has been cautioned or convicted for a relevant offence.

8.6 Safeguarding concerns and allegations relating to councillors will be referred to the Monitoring Officer and dealt with in accordance with the Code of Conduct of Members of the Council.

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9. Recruitment and Selection

9.1. Criminal record checks will be made where appropriate. Roles that involve “regulated activities,” such as caring for, supervising or being in sole charge of children or vulnerable adults, require an Enhanced Disclosure and Barring Service (DBS) Check. This may include checking whether someone is included in the two DBS ‘barred lists’ of individuals who are unsuitable for working with children and adults. DBS Checks must be obtained for staff and volunteers undertaking these roles, and they will not be permitted to commence unaccompanied work until they have been received. It is against the law for employers to employ someone, or allow them to volunteer for, this kind of work if they know they are on one of the barred lists.

10. Information and Training

10.1. Appropriate information will be made available to staff and councillors in the form of this policy and any necessary training..

11. External organisations licensed by, or working with, for or on behalf of the council.

11.1 The council works with and through a number of external organisations such as charities, contractors, other public sector bodies etc.

11.2 Where these external organisations are likely to have significant contact with children, young people or vulnerable adults as a direct result of their work for, on behalf of, or in partnership with the council, they are required to have safeguarding procedures, such as safe recruitment and selection processes, in place. They must be made aware of this policy and must provide the council with a copy of their safeguarding procedure.

Definitions used in this document

Child or children refers to any young person up to and including the age of 18.

Vulnerable adult may include anyone who because of a disability or illness may be in need of community care services and who may be unable to take care of themselves or protect themselves from significant harm or exploitation.

The Legal Framework

CHILDREN ACT 2004

Section 10 requires each Local Authority to make arrangements to promote co-operation between the authority, each of the authority's relevant partners (see the table below) and such other persons or bodies, working with children in the local authority's area, as the authority consider appropriate. The arrangements are to be made with a view to improving the well-being of children in the authority's area which includes protection from harm or neglect alongside other outcomes. This Section of the Children Act 2004 is the legislative basis for children's trust arrangements.

Section 11 requires a range of organizations, including district councils, to make arrangements for ensuring that their functions, and services provided on their behalf, are discharged having regard to the need to safeguard and promote the welfare of children.

Section 13 requires a range of organisations including district councils to take part in Local Safeguarding Children Boards.

CHILDREN ACT 1989

Section 27 places a specific duty on other local authority services i.e. those not directly children's services, and health bodies to co-operate in the interests of children in need.

Under **s47**, the same agencies are placed under a similar duty to assist local authorities in carrying out enquiries into whether or not a child is at risk of significant harm.

Under **s17**, Councils with Adult/Children's Services responsibilities carry lead responsibility for establishing whether a child is in need and for ensuring services are provided to that child as appropriate.

Other relevant legislation

DATA PROTECTION ACT 1998

The Data Protection Act 1998 regulates the handling of personal data including obtaining, recording, storing and disclosing it. The Act requires that personal data be:

- Obtained and processed fairly and lawfully
- Processed for limited purposes and not in any manner incompatible with those purposes
- Accurate and relevant
- Held for no longer than necessary
- Kept secure
- Only disclosed if specific conditions set out in the Act are satisfied

If you are making a decision to disclose personal data you must comply with the Act. However, the Act should not be an obstacle if:

- You have particular concerns about the welfare of a child
- You disclose information to Adult/Children's Services or to another professional; and
- The disclosure is justified under the common law duty of coincidence

Consent to disclosure is not always necessary under the Data Protection Act. The Act does allow disclosure of information without the consent of the subject in certain circumstance, e.g. where 'sensitive data' such as personal health information, needs to be disclosed to prevent or detect any unlawful act or is necessary for legal proceedings.

HOMELESSNESS ACT 2002

Under **section 12**, housing authorities are required to refer homeless persons with dependent children who are ineligible for homelessness assistance or are intentionally homeless, to Adult/Children's Services, as long as the person consents. If homelessness persists, any child in the family could be in need. In such cases, if Adult/Children's Services decides the child's needs would be best met by helping the family to obtain accommodation, they can ask the housing authority for reasonable assistance in this and the housing authority must respond.

HOUSING ACT 2004

Part 1 of the Housing Act 2004 gives local authorities powers and duties to take action against bad housing conditions, and introduces a new Housing Health and Safety Rating System under which authorities' environmental health professionals will assess the impact of health and safety hazards in the light of the occupants most vulnerable to them. Examples are damp and mould (to which the most vulnerable age group is children under 14), problems with washing facilities, sanitation and drainage (children under 5) and falls between levels (children under 5). The new system replaces the housing fitness standard and provides an objective way of assessing the seriousness of hazards and identifying the most appropriate remedial action.

HUMAN RIGHTS ACT 1998

Section 6(1) places a duty on all public authorities to act in a way that is compatible with the rights and freedoms of the European Convention of Human Rights that have been incorporated by the 1998 Act. These convention rights include Article 2 - the right to life, Article 3 – "no one shall be subjected to torture or inhumane or degrading treatment or punishment" and Article 8 – "everyone has the right to respect for his private and family life, his home and his correspondence... There shall be no interference by a public authority with exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic wellbeing of the country, for the prevention of disorder or crime, protection of health or morals or for the protection of rights and freedom of others".

Update November 2013