



Office of the
**Police and Crime
Commissioner**
for Warwickshire

Safeguarding Policy

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Disclosable under Freedom of Information Act?	Yes
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Equality Analysis	Low

1. Introduction

This policy sets out the Police and Crime Commissioner's (PCCs) approach to safeguarding and promoting the welfare of children and vulnerable adults. It applies to all aspects of our work and to everyone working for the Office of the Police and Crime Commissioner (OPCC) including permanent and temporary employees, contractors, self-employed contractors and anyone working on behalf of or undertaking work or volunteering for the OPCC.

As an organisation we are fully committed to our statutory safeguarding responsibilities, including our responsibilities under the Children's Act 2004 to cooperate with relevant partners with a view to improving the well-being of children (Section 10) and to make arrangements for ensuring that our functions are discharged having regard to the need to safeguard and promote the welfare of children, including any services provided by another on our behalf (Section 11).

We further recognise our responsibility to take all reasonable steps to promote safe practice and ensure the protection of all vulnerable people from harm. We acknowledge our duty to respond appropriately to any allegations, reports or suspicions of abuse and seek to ensure that any safeguarding issues identified as part of the OPCC's work (including any reports made directly to our organisation) are handled in accordance with the policy. This includes ensuring that the providers we commission have effective procedures for keeping children, adults at risk, and other vulnerable individuals, safe from abuse, neglect and exploitation.

The aim of the policy is to ensure staff are aware of the expectations placed on them in relation to safeguarding, and to provide clear guidance, procedures and signposting information, which should be adopted in line with best practice.

While permanent and temporary employees, contractors and self-employed contractors, commissioned providers and volunteers are likely to have varied levels of contact or exposure to potential safeguarding issues as part of the duties and responsibilities undertaken for the OPCC, everyone must be aware of the potential indicators of vulnerability, neglect and abuse, and be clear about what to do if they have concerns.

The policy has been written to be fully compliant with all relevant legislation and statutory guidance including:

- Children Act 1989
- United Nations Convention of the Rights of the Child 1990
- Human Rights Act 1998
- Children's Act 2004
- Mental Capacity Act 2005
- Equality Act 2010
- Care Act 2014

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- Modern Slavery Act 2015
- Data Protection Act 2018 and General Data Protection Regulations (GDPR)
- Domestic Abuse Act 2021
- Working Together to Safeguard Children 2023
- Care and Support Statutory Guidance 2024

2. Scope of the Policy

This policy has identified some categories of individual who are covered by the principles of this policy and definitions of terms used are provided in Appendix B

3. Roles and responsibilities

The Chief Executive is responsible for ensuring that this policy is implemented, monitored and consistently reviewed. The OPCC Designated Safeguarding Lead is responsible for dealing with reports or concerns about the protection of children, young people and vulnerable adults appropriately and in accordance with the procedures that underpin this policy. The Designated Safeguarding Lead is the Head of Business Services and Assurance.

All employees have a responsibility to promptly bring safeguarding concerns to the attention of the Designated Safeguarding Lead.

4. Recruitment

The PCC is committed to safer recruitment procedures. Where it is identified that staff have regular or frequent contact with children, adults in need or at risk, or other vulnerable individuals, then appropriate procedures will be initiated. It is the responsibility of the Head of Business Services and Assurance to undertake a risk assessment for the job description and person specification for those roles likely to involve regular and/or substantial contact with children, adults in need or at risk, or other vulnerable individuals, before recruitment takes place. This will ensure that only appropriate individuals are selected to undertake vetting procedures.

Full and factual employment references will be sought in all cases. Information about employment gaps will be sought. Should the OPCC recruit volunteers, recruitment will be rigorous and take into account regulated and supervised activity. Where relevant, contractors will be required to complete a Disclosure and Barring Service (DBS) check before having contact with children, adults in need or at risk, or other vulnerable individuals.

Training will be provided to staff to ensure understanding of this policy.

5. Examples of OPCC business which could be impacted by safeguarding

- **Commissioning** – as a commissioner of services, the OPCC will ensure that any services the PCC commissions from third parties are compliant with our statutory duties under Section 11 of the Children’s Act 2004 to ensure that our functions and those carried out for us are discharged having regard to the need to safeguard and promote the welfare of children. In relation to adults in need or at risk, the PCC has set out the activities and responses of the OPCC in relation to Modern Slavery in his annual Modern Slavery statement.
- **Case work** – we will take all reasonable steps to ensure concerns raised through our involvement in case work (such as dealing with distressed or suicidal members of the public) are dealt with in accordance with relevant multi-agency safeguarding procedures. In the first instance all concerns will be discussed with the OPCC Designated Safeguarding Lead, or in their absence the Chief Executive. If appropriate a referral to child/adult safeguarding will be made by the DSL and where appropriate the police will be notified.
- **Work Experience Students** – where concerns arise as a result of issues raised by Work Experience Students they will be referred in line with this policy. OPCC staff should take care to ensure that they do not put young people or themselves in a vulnerable situation by taking care when working alone with the young person and avoiding the situation where possible.

6. Allegations against OPCC officials, staff or contractors

As a publicly funded body, the OPCC aspires to the highest standards of excellence and professionalism and expects these from all of its employees, contractors and volunteers. Concern may be raised if a staff member is behaving in a way which demonstrates unsuitability for working with children or vulnerable adults in their present position, or in any capacity.

Allegations or concerns may arise either in the employee’s/professionals work or private life. Examples include:

- An allegation of a criminal offence against or related to children, adults in need or at risk, or other vulnerable individuals.
- Behaving towards children, adults in need or at risk, or other vulnerable individuals, in a manner that indicates they are unsuitable to work with them.
- An allegation or concern about a member of staff from their private life such as perpetration of domestic abuse, or where inadequate steps have been taken by them to protect vulnerable individuals from the impact of violence or abuse.
- An allegation of abuse made against someone closely associated with a member of staff such as a partner, member of the family or other household member.

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In such cases the safety of the child, adult in need or at risk, or other vulnerable individual, is of paramount importance. Immediate safeguarding action may be required. Any concern that child or vulnerable adult may be at risk of harm or abuse, must immediately be reported. The concern will be reported to the staff member's line manager and the OPCC designated safeguarding lead in the first instance, who should take advice from the Local Authority Designated Officer (LADO) if the matter relates to a child. A police investigation of a possible criminal offence may be required and if appropriate disciplinary action/suspension pending investigation will be considered in line with the complaint's policy.

If the allegation relates to the PCC, this must be coordinated with the Chief Executive in their capacity as Monitoring Officer, who will ensure this process takes place.

It should be noted that there are separate processes for complaints against the PCC, which will also be used in the case of a safeguarding allegation.

Reputational issues will be managed appropriately by discussion with the relevant communications team.

7. Acting on safeguarding concerns

No one working for the OPCC should investigate concerns about individual children or adults who are or may be being abused or who are at risk. This is the role of the appropriate investigating agency. However, this does not mean that we should do nothing when we learn of a concern. We all have a responsibility to make sure that concerns about children, adults in need or at risk, or other vulnerable individuals, are passed to the relevant agency that can help them without delay.

If anyone is concerned that a child, adult in need or at risk, or other vulnerable individual is at risk of being abused or neglected, they should not ignore their suspicions and should not assume that someone else will take action to protect that person. Concerns about a child or an adult in need or at risk should in the first instance be reported by the OPCC Designated Safeguarding Lead to the local authority where the child lives (see Appendix A for guidance in relation to Warwickshire residents).

Although the police have a role in an emergency situation they should not be the first route for reporting a concern unless the situation clearly demands an emergency police response necessitating a 999 call.

If anyone working for the OPCC is in any doubt about what to do, they should consult their line manager or the OPCC Designated Safeguarding Lead.

Anyone working for the OPCC who has concerns about the behaviour of a colleague must always raise this with their line manager as quickly as possible.

8. Dealing with disclosures

If a child/adult tells you they are being abused you should:

- Show them you have heard what they have said and that you take the allegation seriously
- Encourage them to talk without asking leading questions as this could be seen as corruption of evidence
- Explain to them what you will need to do with this information
- Record everything they tell us as accurately as possible using the exact words if possible and send it to the Designated Safeguarding Lead to record
- Discuss the disclosure with the OPCC designated safeguarding lead or OPCC Chief Executive
- Follow the reporting procedure for where the child/vulnerable adult lives
- Inform the LADO in cases of relating to children
- In an emergency call the police

You should not:

- Interrupt when they are recalling events, and not ask them to repeat their account
- Confront the alleged abuser
- Ask leading questions or try to investigate
- Discuss with the parent if the allegation relates to them
- Promise to keep a secret in case you have a duty to report it
- Assume they do not have mental capacity
- Assume somebody else is dealing with it

9. Confidentiality

Confidentiality is the cornerstone of obtaining, recording and sharing information, and all OPCC activity must be carried out in compliance with the Data Protection Act 2018, the General Data Protection Regulations (GDPR), and any related Information Sharing Agreements (ISA) that may be in place.

Sharing Information with Consent

In many cases, the sharing of personal information with other organisations (including Warwickshire Police) will require the consent of the relevant individual.

Understanding an individual's ability to consent is important. If an individual lacks the mental capacity to make informed decisions, you may need to share information to

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act in their best interest. The Mental Capacity Act 2005 provides guidance in such cases.

Sharing Information without Consent

Despite the emphasis on confidentiality, there are exceptions where the sharing of information without consent becomes necessary and is allowed. This may relate to a range of safeguarding concerns, some of examples of which are as follows:

- Where an individual expresses thoughts or plans to harm themselves.
- Where an individual indicates an intention to harm another person.
- Where there is suspicion or evidence of a child being abused or neglected.
- Where an adult with care and support needs is at risk of abuse or neglect.

The above list is neither exhaustive or prescriptive. Each safeguarding concern must be considered on its own merits and where a decision is made to share information without consent, that the rationale for this is properly recorded.

Other Legal Obligations

Certain situations demand disclosure by law and the OPCC must comply with legal requirements, even if that means breaching confidentiality. Examples include court orders and specific pieces of legislation that require a report to be made (for example, under the Road Traffic Act you must inform DVLA if a driver with a health condition poses a risk to road safety). Where there is any doubt about whether a legal obligation exists to share information, consult with your line manager.

Revision Record

Date of change	Nature of revision
December 2021	Full review of policy
July 2024	Review and minor updates

Appendix A: How to make a referral in Warwickshire

Making a safeguarding referral for children

If you are worried about any child and think they may be a victim of neglect, abuse or cruelty, contact the Warwickshire Children and Families Front Door (Front Door). The Children and Families Front Door also incorporates the Multi Agency Safeguarding Hub (MASH) which is a partnership between:

- Warwickshire County Council
- Warwickshire Police
- The National Health Service (NHS)
- Other key partner agencies

Find more information here: [Worried about a Child \(safeguardingwarwickshire.co.uk\)](https://safeguardingwarwickshire.co.uk)

Reporting an Adult Safeguarding Concern:

Find more information here: [Recognising and Reporting Abuse \(safeguardingwarwickshire.co.uk\)](https://safeguardingwarwickshire.co.uk)

Other safeguarding concerns

Any other non-emergency safeguarding concern that does not fall within the above may require advice from your line manager or the OPCC Designated Safeguarding Lead, who in turn may need to seek guidance from either Warwickshire Police or the Local Authority. In taking external advice care must be taken to ensure that personal data is only disclosed where there is consent from the individual or a legal gateway to do so. [Schedule 1 of the Data Protection Act 2018](#) has 'safeguarding of children and individuals at risk' as a processing condition that allows practitioners to share information, including without consent (where, in the circumstances consent cannot be given, it cannot be reasonably expected that a practitioner obtains consent, or if to gain consent would place a child at risk). However this should be considered very much on a case-by-case basis and any decision to share must properly recorded and documented in an auditable format.

Appendix B: Definitions

Vulnerability

The OPCC has adopted the College of Policing definition of vulnerability, which is set out in the THRIVE (threat, harm, risk, investigation, vulnerability and engagement) police response model. This states that:

- *A person is vulnerable if, as a result of their situation or circumstances, they are unable to take care of or protect themselves or other from harm or exploitation*

Applying the THRIVE approach requires the following four steps.

1. Identify an individual's vulnerability or vulnerabilities.
2. Understand how these vulnerabilities interact with the situation to create harm or risk of harm.
3. Assess the level of harm or risk of harm.
4. Take appropriate and proportionate action if required, involving partners where they have the relevant skills and resources.

Children

The Children Act 1989 and the United Nations Convention of the Rights of the Child 1990 defines a 'child' as a person who has not yet reached their eighteenth birthday. A substantial amount of UK legislation has since confirmed this definition.

The fact that a child

- has reached 16 years of age
- is living independently
- is in further education
- is looked after
- is a member of the armed forces
- is in hospital
- Is in police custody
- is in custody in a secure estate

does not change their status or entitlements to services or protection from abuse or neglect.

Child Safeguarding

Child in Need – Section 17(1) Children's Act 1989:

It shall be the general duty of every local authority:

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- to safeguard and promote the welfare of children within their area who are in need;
- and so far as is consistent with that duty, to promote the upbringing of such children by their families,

by providing a range and level of services appropriate to those children's needs.

Working Together to Safeguard Children 2023 defines safeguarding and promoting the welfare of children as:

- providing help and support to meet the needs of children as soon as problems emerge
- protecting children from maltreatment, whether that is within or outside the home, including online
- preventing impairment of children's mental and physical health or development
- ensuring that children grow up in circumstances consistent with the provision of safe and effective care
- promoting the upbringing of children with their birth parents, or otherwise their family network through a kinship care arrangement, whenever possible and where this is in the best interests of the children
- taking action to enable all children to have the best outcomes in line with the outcomes set out in the Children's Social Care National Framework

Child at Risk – Section 47(1) Children's Act 1989:

Child protection is part of safeguarding and promoting the welfare of children and is defined in Working Together to Safeguard Children 2023 as activity that is undertaken to protect specific children who are suspected to be suffering, or likely to suffer, significant harm. This includes harm that occurs inside or outside the home, including online.

Where a local authority-

- are informed that a child who lives, or is found, in their area:
 - is the subject of an emergency protection order; or
 - is in police protection;

or

- they have reasonable cause to suspect that they are suffering, or are likely to suffer, significant harm

the authority shall make, or cause to be made, such enquiries as they consider necessary to enable them to decide whether they should take any action to safeguard or promote the child's welfare.

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Effective child safeguarding means practitioners should understand and be sensitive to factors, including economic and social circumstances and ethnicity, which can impact children and families' lives.

Cooperation to improve wellbeing – Section 10 Children Act 2004:

The relevant partners of a local authority in England (*this includes the local policing body and the chief officer of police*) must co-operate with the authority in the making of arrangements with a view to improving the well-being of children in the authority's area so far as relating to:

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

Safeguarding & Promoting Welfare – Section 11 Children Act 2004:

Each person and body to whom this section applies (*this includes the local policing body and the chief officer of police*) must make arrangements for ensuring that—

- (a) their functions are discharged having regard to the need to safeguard and promote the welfare of children; and
- (b) any services provided by another person pursuant to arrangements made by the person or body in the discharge of their functions are provided having regard to that need.

Safeguarding & Promoting Welfare – Working Together 2023:

Working Together to Safeguard Children 2023 defines 'safeguarding and promoting the welfare of children' is defined in as:

- providing help and support to meet the needs of children as soon as problems emerge
- protecting children from maltreatment, whether that is within or outside the home, including online
- preventing impairment of children's mental and physical health or development
- ensuring that children grow up in circumstances consistent with the provision of safe and effective care
- promoting the upbringing of children with their birth parents, or otherwise their family network through a kinship care arrangement, whenever possible and where this is in the best interests of the children
- taking action to enable all children to have the best outcomes in line with the outcomes set out in the Children's Social Care National Framework.

Adult Safeguarding

The Care and Support Statutory Guidance 2024 defines adult safeguarding as protecting an adult's right to live in safety, free from abuse and neglect. It is about people and organisations working together to prevent and stop both the risks and experience of abuse or neglect, while at the same time making sure that the adult's wellbeing is promoted including, where appropriate, having regard to their views, wishes, feelings and beliefs in deciding on any action. This must recognise that adults sometimes have complex interpersonal relationships and may be ambivalent, unclear or unrealistic about their personal circumstances.

Safeguarding action can be planned in advance or may require an immediate response from an appropriate operational agency such as the police, local authority or health services.

Previously referred to as 'vulnerable adults'¹, the Care Act 2014 and related statutory guidance now set out the following categories:

Adult in need (of care and support) – Section 9-13 Care Act 2014

Care and support is the mixture of practical, financial and emotional support for adults aged 18 or over who need extra help to manage their lives and be independent. This may include older people, people with a disability or long-term illness, people with mental health problems, and carers.

Care and support includes assessment of people's needs, provision of services and the allocation of funds to enable a person to purchase their own care and support. It could include care home, home care, personal assistants, day services, or the provision of aids and adaptations.

Where a local authority is satisfied on the basis of an assessment that an adult has needs for care and support it must determine whether any of the needs meet the national eligibility criteria. An adult's needs meet the eligibility criteria if:

- the adult's needs arise from or are related to a physical or mental impairment or illness;
- as a result of the adult's needs the adult is unable to achieve two or more of the outcomes specified below; and
- as a consequence there is, or is likely to be, a significant impact on the adult's well-being.

If some of an adult's needs for care and support meet the criteria, the local authority must consider what can be done to meet them and ascertain whether the adult wants them met, and establish whether the adult is ordinarily resident in the area.

¹ A term defined in statutory guidance *DoH (2000) No secrets: Guidance on developing and implementing multi-agency policies and procedures to protect vulnerable adults from abuse*, which was repealed by the Care Act 2014

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Adult at risk (of abuse or neglect) – Section 42(1) Care Act 2014

Where a local authority has reasonable cause to suspect that an adult in their area (whether or not ordinarily resident there):

- has needs for care and support (whether or not the local authority is meeting any of those needs),
- is experiencing, or is at risk of, abuse or neglect, and
- as a result of those needs is unable to protect themselves against the abuse or neglect or the risk of it.

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 and, if so, what and by whom.

It is important to note that inclusion in one of the previously described groups (under Adult in Need) does not necessarily mean that a person is implicitly unable to protect themselves from abuse or neglect.

Defining abuse or neglect is complex and rests on many factors. Exploitation can be a common theme in the experience of abuse or neglect. Whilst it is acknowledged that abuse or neglect can take different forms, the Care Act statutory guidance identifies the following types of abuse or neglect:

- Physical abuse
- Domestic violence
- Sexual abuse
- Psychological abuse
- Financial or material abuse
- Modern slavery
- Discriminatory abuse
- Organisational/institutional abuse
- Neglect and acts of omission
- Self-neglect.

This list is not exhaustive.

Exploitation

There is no statutory definition of criminal exploitation per se. Therefore the OPCC has adopted the following definition, which is derived from the government's Serious Violence Strategy 2018:

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- Where an individual or group takes advantage of an imbalance of power to coerce, control, manipulate or deceive a child or young person under the age of 18 or an adult into any criminal activity:
 - a) in exchange for something the victim needs or wants, and/or
 - b) for the financial or other advantage of the perpetrator or facilitator and/or
 - c) through violence or the threat of violence.
- The victim may have been criminally exploited even if the activity appears consensual. Exploitation does not always involve physical contact; it can also occur through the use of technology.

Types of exploitation include:

- Online exploitation
- Sexual exploitation
- Sexual abuse
- Criminal exploitation
- County Lines
- Opportunistic
- Peer exploitation
- Organised exploitation
- Modern Slavery
- Human Trafficking
- Violent extremism
- Radicalisation

Domestic Abuse

Under the Domestic Abuse Act 2021, the behaviour of a person (“A”) towards another person (“B”) is “domestic abuse” if:

- a) A and B are each aged 16 or over and are personally connected to each other, and
- b) the behaviour is abusive

Behaviour is “abusive” if it consists of any of the following:

- physical or sexual abuse;
- violent or threatening behaviour;
- controlling or coercive behaviour;

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- economic abuse (see below);
- psychological, emotional or other abuse;

It does not matter whether the behaviour consists of a single incident or a course of conduct.

“Economic abuse” means any behaviour that has a substantial adverse effect on B’s ability to:

- a) acquire, use or maintain money or other property, or
- b) obtain goods or services

For the purposes of this definition, A’s behaviour may be behaviour “towards” B despite the fact that it consists of conduct directed at another person (for example, B’s child).

Two people are “personally connected” to each other if any of the following applies:

- a) they are, or have been, married to each other;
- b) they are, or have been, civil partners of each other;
- c) they have agreed to marry one another (whether or not the agreement has been terminated);
- d) they have entered into a civil partnership agreement (whether or not the agreement has been terminated);
- e) they are, or have been, in an intimate personal relationship with each other;
- f) they each have, or there has been a time when they each have had, a parental relationship in relation to the same child (as a parent or with parental responsibility as defined by Section 3 of the Children’s Act 1989);
- g) they are relatives

Children as victims of domestic abuse

Reference to a victim of domestic abuse includes a reference to a child who:

- a) sees or hears, or experiences the effects of, the abuse, and
- b) is related to A or B.

A child is related to a person for the purposes of the Act if:

- a) the person is a parent of, or has parental responsibility for, the child, or
- b) the child and the person are relatives

Modern Slavery

Modern slavery is the severe exploitation of other people for personal or commercial gain. It can take many forms but the most common are:

- **Human trafficking.** The use of violence, threats or coercion to transport, recruit or harbour people in order to exploit them for purposes such as forced prostitution, labour, criminality, marriage or organ removal.
- **Forced labour.** Any work or services people are forced to do against their will under threat of punishment.
- **Debt bondage/bonded labour.** The world's most widespread form of slavery. People trapped in poverty borrow money and are forced to work to pay off the debt, losing control over both their employment conditions and the debt.
- **Descent-based slavery.** Most traditional form, where people are treated as property, and their "slave" status was passed down the maternal line.
- **Slavery of children.** When a child is exploited for someone else's gain. This can include child trafficking, child soldiers, child marriage and child domestic slavery.
- **Forced and early marriage.** When someone is married against their will and cannot leave. Most child marriages can be considered slavery.

People end up trapped in modern slavery because they are vulnerable to being tricked, trapped and exploited, often as a result of poverty and exclusion.