

Part A

Report to: Cabinet

Date of meeting: 7th June 2021

Report author: Environmental Health Manager (Community)

Title: Update of the Councils Domestic Abuse and Joint Safeguarding Policies

1.0 Summary

1.1 The Joint Safeguarding Policy sets out how the Council meets its statutory obligations to safeguard adults and children in all its work.

1.2 Types of abuse include;

- Domestic Abuse
- Child Sexual Exploitation
- Female Genital Mutilation (FGM)
- Forced Marriage
- Honour Based Abuse
- Radicalisation and Violent Extremism
- Neglect
- Financial Abuse

This list is not exhaustive

1.3 The Domestic Abuse policy which been developed as a separate document details how the Council provides support to people experiencing domestic abuse across the services it delivers itself and when working with its partners. The implications are that we able to identify people who are experiencing domestic abuse and offer support and practical help to protect their safety.

1.4 Both policies are concerned with how the council responds to suspicions of abuse to ensure they are addressed promptly and appropriately with the best interest of the child, young person or adult at risk at its heart. In their development consultation was undertaken with local third sector and statutory organisations.

1.5 In addition to responding to reports of, and suspicions of abuse the Council will seek to promote the welfare and the protection of all children, young people and adults at risk living in the community at all times.

1.6 The service the council delivers brings officers into contact with a wide variety of customers some of whom will be experiencing abuse or be the abusers themselves. It is also the case that there will be some employees who will also be abusers and victims.

2.0 Risks

Nature of risk	Consequence	Suggested Control Measures	Response (treat, tolerate, terminate or transfer)	Risk Rating (combination of severity and likelihood)
There are risks of not implementing these policies	The Council would not be meeting its statutory duties to safeguard children, young people and adults.	The policies should be implemented and monitored to ensure they remain current and in line with legislation and the Councils responsibilities.	Treat	4

3.0 Recommendations

- 3.1 Cabinet is asked to approve the updated Joint Safeguarding Policy and Domestic Abuse Policy attached at appendices 1 and 2.

Further information:

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Report approved by: Justine Hoy, Head of Community Protection

4.0 Detailed proposal

- 4.1 Both policies under consideration relate to protecting vulnerable people from harm both as a provider of services and as an employer.

Joint Safeguarding Policy

- 4.2 The Joint Safeguarding Policy aims to protect children, young people and adults at risk of abuse from;
- Domestic Abuse
 - Child Sexual Exploitation
 - Female Genital Mutilation (FGM)
 - Forced Marriage
 - Honour Based Abuse
 - Radicalisation and Violent Extremism.

This list is not exhaustive.

- 4.3 Children, young people and adults at risk have the right to participate, have fun and be safe, in the services provided for them and the activities they, or a guardian, choose for them.
- 4.4 Watford Borough Council is committed to safeguarding children, young people and adults at risk, protecting them from abuse. We will endeavour to keep children, young people and adults at risk safe from abuse and suspicion of abuse, reports will be responded to promptly and appropriately. We will act in the best interest of the child, young person or adult at risk and we will proactively seek to promote the welfare and the protection of all children, young people and adults at risk living in the community at all times.
- 4.5 Watford Borough Council will ensure that unsuitable people are prevented from working with children, young people and adults at risk through its Safe Recruitment procedures and will take any concern reported by a Member, employee, volunteer grant funded or contracted service provider or child/adult at risk seriously and deal with it sensitively.
- 4.6 Watford Borough Council will promote the welfare of children and young people by:
- Respecting the rights, wishes, feelings and privacy of children, young people and adults at risk by listening to them and minimising risks that may affect them.
 - Preventing abuse by adopting good practice and creating a safe and healthy environment to avoid situations where abuse or allegations of abuse may occur.
 - Ensuring that Members, employees and volunteers understand the relevant Codes of Conduct and Safeguarding Policy.
 - Monitoring accountability and governance through the Council's procedures and through the Community Safety Partnership's Responsible Officers Group.
 - Raising awareness among members and officers of the safeguarding duty the Council has in relation to the Children Act 2004 and the Care Act 2014 where Hertfordshire County Council has the lead responsibility.
 - Ensuring that contracted, commissioned and grant funded services have policies and procedures commensurate with the level of involvement they have with children and young people.
 - Responding to any allegations appropriately and implementing the appropriate reporting, disciplinary and appeals procedures.
 - Supporting the National Prevent agenda by working with partner agencies to identify and support children, young people and adults at risk who are vulnerable to radicalisation.
 - Raise awareness about the forms of abuse and how to keep children, young people and adults at risk safe.
- 4.7 The implication of this policy is that both adults and children are protected and staff are made aware of how to report concerns about people they come into contact with and how these reports will be processed.

Domestic Abuse Policy

- 4.8 There are some 2.4 million victims of domestic abuse a year aged 16 to 74 (two-thirds of whom are women) and more than one in ten of all offences recorded by the police are domestic abuse related.
- 4.9 Domestic violence and abuse is any incident or pattern of incidents of controlling, coercive, threatening behaviour, violence or abuse between those aged 16 or over who are, or have been, intimate partners or family members regardless of gender or sexuality.
- 4.10 The Council has a long-standing commitment to treat all known and suspected cases of domestic abuse seriously. The Council recognises that where it occurs domestic abuse is both harmful and damaging to the individuals involved and the wider community.
- 4.11 Domestic violence and abuse is any incident or pattern of incidents of controlling, coercive, threatening behaviour, violence or abuse between those aged 16 or over who are, or have been, intimate partners or family members regardless of gender or sexuality.
- 4.12 Anyone can be a victim of domestic abuse regardless of sex or gender identity, cultural heritage or ethnicity, sexual orientation, religion or belief, or disability.
- 4.13 There are different kinds of abuse that can happen in different contexts. The most prevalent type of domestic abuse occurs between couples, but the definition of domestic abuse also covers abuse between family members, such as adolescent or adult child to parent violence and abuse between siblings.
- 4.14 The abuse can encompass, but is not limited to:
- psychological
 - physical
 - sexual
 - financial
 - emotional
- 4.15 As a key local partner to many service providers the Council recognises that it has an integral role to play in supporting work to reduce the incidence of domestic abuse and provide support to victims, as both an employer and a direct provider of services.
- 4.16 In the year ending March 2019, an estimated 2.4 million adults aged 16 to 74 years experienced domestic abuse (1.6 million women and 786,000 men).
- 4.17 During the lockdown reports of domestic abuse dipped during the lockdown and increased as the restrictions were relaxed.
- 4.18 In Watford a proportion of the domestic abuse incidents happen in the town centre which has impacted on the figures of reported DA during the lockdown.

4.19 There are possible lessons that can be learned from the effect of the lockdown had on all crimes in particular domestic abuse, this information can be used so that a rise to previous levels can be avoided when the restrictions are relaxed.

4.20 **Domestic Abuse Act 2020**

The Domestic Abuse Act which gained Royal Assent this year aims to strengthen the support for victims of abuse by statutory agencies. To achieve that aim the Bill;

- a) Creates a statutory definition of domestic abuse, emphasising that domestic abuse is not just physical violence, but can also be emotional, coercive or controlling, and economic abuse
- b) Establishes in law the office of Domestic Abuse Commissioner and set out the Commissioner's functions and powers.
- c) Provides for a new Domestic Abuse Protection Notice and Domestic Abuse Protection Order.
- d) Places a duty on local authorities in England to provide support to victims of domestic abuse and their children in refuges and other safe accommodation.
- e) Prohibits perpetrators of abuse from cross-examining their victims in person in the civil and family courts in England and Wales.
- f) Creates a statutory presumption that victims of domestic abuse are eligible for special measures in the criminal, civil and family courts.
- g) Clarifies by restating in statute law the general proposition that a person may not consent to the infliction of serious harm and, by extension, is unable to consent to their own death.
- h) Extends the extraterritorial jurisdiction of the criminal courts in England and Wales, Scotland and Northern Ireland to further violent and sexual offences.
- i) Enables domestic abuse offenders to be subject to polygraph testing as a condition of their licence following their release from custody.
- j) Places the guidance supporting the Domestic Violence Disclosure Scheme ("Clare's law") on a statutory footing.
- k) Provides that all eligible homeless victims of domestic abuse automatically have 'priority need' for homelessness assistance.
- l) Ensures that where a local authority, for reasons connected with domestic abuse, grants a new secure tenancy to a social tenant who had or has a secure lifetime or assured tenancy (other than an assured shorthold tenancy) this must be a secure lifetime tenancy.

5.0 **Implications**

Finance

5.1 The Shared Director of Finance comments that there are no new financial implications arising from this report'

Legal Issues (Monitoring Officer)

5.2 The Head of Democracy and Governance comments that the legal implications are contained in the report and appendices.

Equalities, Human Rights and Data Protection

5.3 As this is an update of the existing safeguarding and domestic abuse policies an equalities impact analysis has been undertaken. The analysis is attached as Appendices 3 and 4 to this report. Domestic abuse affects all people, however research has shown that it can affect people with protected characteristics more than others.

The main conclusions of that analysis are:

- The service will be processing sensitive personal data about vulnerable people.
- Some information will be shared with partners and other council services.
- There is a reputational/financial risks associated with sharing this data.
- The service needs to ensure that the abusers do not accidentally obtain information about a potential the victim
- The service will ensure all data is kept secure and that staff are aware of the need to keep the data safe.

5.4 Article 3 of the Human Rights Act 1998 imposes a positive obligation on public authorities to protect people from serious ill-treatment by other individuals.

Staffing

5.5 There are no staffing implications with this policy other than training to alert staff to be aware of the signs of domestic abuse and other safeguarding issues and how to support individuals and refer victims.

Accommodation

5.6 There are no accommodation issues with this policy

Community Safety/Crime and Disorder

5.7 This policy supports the Councils Crime and Disorder and safeguarding responsibilities

Sustainability

5.8 Promoting the welfare and the protection of all children, young people and adults at risk at all times aims to reduce the incidence of abuse to give a more sustainable solution in the longer term.

Appendices

Appendix 1 Domestic Abuse Policy

Appendix 2 Joint Safeguarding Policy

Appendix 3 Safeguarding Policy Equalities Impact Assessment

Appendix 4 Domestic Abuse Policy Equalities Impact Assessment

Appendix 5 Domestic Violence and Safeguarding Policies Data Impact Assessment

Background papers

No papers were used in the preparation of this report.