



Denbighshire Internal Audit Services
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Corporate Safeguarding

August 2015



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
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Purpose & Scope of Review

The Chief Executive requested an internal audit review of corporate safeguarding to ensure that there are robust arrangements in place to safeguard children and vulnerable adults across the Council and in organisations providing services on its behalf. Our review covered the following areas:

- Governance and scrutiny arrangements
- Risk management
- Policy and procedures
- Recruitment
- Training and awareness
- Voluntary organisations and third party contractors

Assurance Rating (Based on areas reviewed)

	High Assurance	Risks and controls well managed
	Medium Assurance	Risks identified but are containable at service level
	Low Assurance	Risks identified that require meeting with Corporate Director/Lead Member
	No Assurance	Significant risks identified that require member / officer case conference

Audit Opinion

The Council has got measures in place to manage safeguarding, but these are not robust and have not been embedded across all of the Council's functions.

Our review highlighted that there is still the misconception that safeguarding is the role of Social Services and not a corporate responsibility. Increasing awareness of safeguarding through ensuring that the Corporate Safeguarding Policy is available to members of staff and elected members, and providing training will ensure that roles and responsibilities are clear, so that any safeguarding concerns can be reported and addressed promptly.

The Corporate Safeguarding Panel has a role in embedding safeguarding arrangements across the Council. While the Panel provides an opportunity to share information and ensure that there are effective processes in place to manage safeguarding, it is not currently fulfilling its roles and responsibilities as detailed in its terms of reference. There has also been a lack of independent scrutiny of the Panel, as it does not report to senior management or elected members, although a Director and two elected members do sit on the Panel.

Safeguarding arrangements could also be strengthened through having a corporate mechanism for recording and managing safeguarding risks, and similarly for the reporting of safeguarding incidents. This would provide a tool for encapsulating key information to raise awareness of safeguarding issues, so that preventative measures can be put in place and to learn lessons where necessary.

While there is evidence of good practice in place to manage safeguarding within some services, arrangements lack cohesion corporately. A low assurance rating has been given due to the number of risks/issues raised.

Action Plan

Audit Review of: Corporate Safeguarding
Date: August 2015
Action Plan Owner: Corporate Director - Communities

Corporate Risk/Issue Severity Key

	Critical - Significant CET and Cabinet intervention
	Major - intervention by SLT and/or CET with Cabinet involvement
	Moderate - Containable at service level. Senior management and SLT may need to be kept informed

Risk/Issue No.	Risk/Issue	Action	Who	When
1.	The Corporate Safeguarding Panel is not fulfilling its roles and responsibilities as detailed in its Terms of Reference. Once the membership of the Panel is reviewed, there needs to be better marketing of the Panel, as currently there is a lack of awareness and scrutiny of its work	The Panel's terms of reference will be circulated and reviewed to confirm that the roles and responsibilities detailed are still relevant.	Corporate Safeguarding Panel	November 2015
		Where services are not represented currently on the Panel, Heads of Service have been contacted to identify officers who can attend. We will also establish whether services can provide a deputy if the service representative is unable to attend.	Corporate Director: Communities	September 2015
		Service representatives will ensure that their service is aware of the existence of the Panel and that they are aware to use them as a point of contact.	Corporate Safeguarding Panel	September 2015
		The Panel will develop a forward work programme.	Corporate Safeguarding Panel	October 2015
2.	Safeguarding risks are not always recorded and shared corporately to ensure that key risks have been identified and managed appropriately by services.	A communication will be sent to ensure that Heads of Service consider safeguarding when reviewing their risk registers. A question on safeguarding will also be included in the service challenge.	Corporate Director: Communities	October 2015

Risk/ Issue No.	Risk/Issue	Action	Who	When
3.	The Deprivation of Liberty Safeguards (DoLS) process would benefit from a review as, currently, applications are not being prioritised and passed for assessment promptly. This results in poor customer service and could put the Council at risk of a legal challenge.	<p>Establish a DoLS Co-ordinator post to manage and prioritise applications.</p> <p>Train more Best Interest Assessors (BIA) to undertake BI assessments.</p> <p>Incorporate role of BIA within new practitioner job descriptions.</p>	Head of Service: Community Support Services	<p>September 2015</p> <p>December 2015</p> <p>January 2016</p>
4.	The Corporate Safeguarding Policy has not been made available to members of staff to help ensure that they are clear of their roles and responsibilities in relation to safeguarding. A lack of awareness could result in ineffective controls being put in place to prevent or manage safeguarding incidents, resulting in serious harm or death.	<p>The Corporate Safeguarding Policy will be reviewed to ensure that it is up-to-date. The intention is to re-launch the Policy in April 2016 to take account of new legislation and guidance.</p> <p>The Policy is currently included in the induction process and on our website, but we will consider other briefing notes and guidance on safeguarding in the meantime.</p>	Corporate Safeguarding Panel & Communications Group	April 2016
5.	The Safeguarding Action Plan would benefit from a review to ensure that the actions are up-to-date and still relevant. The Plan has not been effectively monitored, which could result in actions not being effectively managed. Consideration should be given to passing the responsibility of monitoring the Plan to the Corporate Safeguarding Panel.	The Social Services Education Management Team (SSEMT) no longer exists, so the Corporate Safeguarding Panel will take over responsibility for monitoring the Safeguarding Action Plan. The Plan will be reviewed to determine whether existing actions are relevant and to take account of any new actions that should be included. This will be linked to the review of the Corporate Safeguarding Policy.	Corporate Safeguarding Panel	October 2015

Risk/ Issue No.	Risk/Issue	Action	Who	When
6.	There is no formal mechanism for recording and sharing safeguarding incidents and near misses corporately. This could result in a lack of awareness, so appropriate measures may not be put in place to prevent safeguarding incidents.	<p>This is a standing item on the Corporate Safeguarding Panel agenda. We will also share case reviews where there is a corporate perspective for lessons learned.</p> <p>As part of the development of the CRM system, we will look at the feasibility of having a corporate system for recording safeguarding incidents.</p> <p>Service representatives will report any key messages from Panel meetings to members of staff within their services.</p>	<p>Corporate Safeguarding Panel</p> <p>Corporate Director: Communities & Head of Service: Customer and Education Support</p> <p>Corporate Safeguarding Panel</p>	<p>November 2015</p> <p>December 2015</p> <p>October 2015</p>
7.	Not all services have considered what performance measures are needed in relation to safeguarding. Having this in place will assist in providing assurance that safeguarding arrangements are working effectively.	To be incorporated into the review of the Panel's terms of reference to identify whether performance management information needs to be obtained from services.	Corporate Safeguarding Panel	November 2015
8.	There is insufficient vetting of new starters, as the authenticity of certificates supplied to prove qualifications and professional membership are not verified for key posts within the Council. This increases the risk of inappropriate appointments and may mean that children and vulnerable adults are not adequately protected if certificates are fake.	Determine the key posts within the Council that could have an impact on safeguarding. Then we will review the process for these posts to ensure that there are adequate checks done, either by the Council or through an external body. Every new employee contract issued makes reference to safeguarding.	Corporate Safeguarding Panel	October 2015
9.	HR advises that new employees should not start work before a Disclosure Barring Service (DBS) check is returned, unless in exceptional cases. However, services are not allowing sufficient time for the DBS check to be cleared before the employee starts work. If adequate arrangements are not being put in place to counteract this, this may result in a lack of adequate protection for children and vulnerable adults.	<p>To be included in the above review. HR does monitor this and the relevant head of service is contacted where an employee has started employment without a DBS check being in place. The Corporate Safeguarding Panel also receives a report from HR detailing this.</p> <p>HR is doing a presentation to SLT on Safer Recruitment in September.</p>	Corporate Safeguarding Panel	October 2015

Risk/ Issue No.	Risk/Issue	Action	Who	When
10.	There is a general lack of awareness about safeguarding amongst staff due to a lack of training. This could result in employees not fulfilling their duty of care in reporting safeguarding issues.	There have been training initiatives on safeguarding in some services, but a corporate safeguarding training package is currently being developed by the Learning & Development Specialist (HR). It is hoped that this package will be piloted in October 2015.	Corporate Safeguarding Panel	December 2015
11.	Not all of the elected members have attended mandatory training on safeguarding so may not be clear of their roles and responsibilities. Having an elected member responsible for corporate safeguarding will assist in preventing the misconception that safeguarding is the role of Social Services and Education.	<p>We have recently carried out a training session for elected members on safeguarding.</p> <p>There are planned briefing sessions on safeguarding and Child Sexual Exploitation to County Council starting in November 2015. The Leader has agreed to include corporate safeguarding into his portfolio.</p>	Corporate Director: Communities	December 2015
12.	Safeguarding arrangements with third party contractors are not robust to ensure that they have appropriate processes in place to manage safeguarding. Due to a lack of awareness, project managers within the Council may not incorporate safeguarding into the contract management process.	<p>To be discussed with the Interim Head of Finance and Assets & Head of Legal, HR and Democratic Services.</p> <p>Key points of conversation to be addressed include:</p> <ul style="list-style-type: none"> • Contractor DBS checks • Ensuring that Council staff responsible on site for the contractor and managing the tendering/contract process are clear of their responsibilities in respect of safeguarding • Ensure contracts terms and conditions (including JCT) in relation to DBS checks are appropriate • Ensure that self-assessment arrangements as part of contract management are appropriate 	Corporate Director: Communities	December 2015

Background

There have been several reports that have included a review of safeguarding arrangements within the Council during the past year, including the following:

- Wales Audit Office's report on *Local Authority Arrangements to Support Safeguarding of Children 2014/15: Denbighshire County Council* (July 2014)
- Internal Audit's report on *Corporate Safeguarding* (February 2014)
- *Annual Report on Adult Protection in Denbighshire 1st April 2013 to 31st March 2014*, reported to Partnership Scrutiny Committee (December 2014)
- *Regional and Local Arrangements to Safeguard Children and Vulnerable Adults* report to Cabinet (June 2014)

Review Outcomes & Risks Arising

Does the Council have clear and appropriate governance and scrutiny arrangements for managing its safeguarding arrangements and responsibilities?

Opinion

Governance and scrutiny arrangements are in place for managing the Council's safeguarding arrangements, but are not embedded. The Corporate Safeguarding Panel needs to review its terms of reference to ensure that it is clear of its responsibilities for safeguarding. Additionally, there is insufficient independent scrutiny of the Panel, as it does not report directly to Corporate Executive Team (CET), Cabinet or a scrutiny committee.

The Social Services and Well-being Act (Wales) will be implemented in April 2016 (although public sector organisations can introduce measures earlier than this) to reform existing safeguarding arrangements for children and introduce new measures for adults at risk. This includes putting in place new regional structures to replace the Local Safeguarding Children Boards and the Adult Protection Committee.

Governance arrangements for the North Wales Safeguarding Children Board (NWSCB) appear to be robust, as there is a clear reporting structure and documented terms of reference for both the NWSCB and the local safeguarding delivery groups. A similar two-tier approach is being put in place to provide oversight of safeguarding arrangements for vulnerable adults.

The Council established a Corporate Safeguarding Panel in February 2014, with membership that includes senior managers, lead elected members and designated managers to represent every service. Its purpose is to ensure that there are robust arrangements in place for managing safeguarding and there is a documented terms of reference for the Panel that includes some of the following responsibilities:

- Bring together interdepartmental work in the safeguarding field and ensure effective corporate communication.
- Ensure that appropriate training is available for officers and elected members.
- Accept and challenge the Annual Report of the Statutory Director.
- Approve the Policy and Guidelines for Safeguarding of every service in the Council and receive information about the performance management arrangements of every service in relation to their safeguarding responsibilities.
- Produce an Annual Report for CET, Cabinet and the appropriate scrutiny committee.

Our discussions with the designated managers represented on the Panel established that they are, overall, clear of their roles and responsibilities for safeguarding and have received training in this area. However, it is evident

from our review of the meeting minutes that the arrangements for the Panel are not fully embedded and, while there is good practice, for example with Panel representatives raising awareness of safeguarding at their service managers meetings, this is not consistently applied by the service representatives.

**Risk/Issue
1
Moderate**

Arrangements for the Corporate Safeguarding Panel are not fully embedded as:

- it is not fulfilling its responsibilities as detailed in its terms of reference. For example, the Panel has not received the Annual Report of the Statutory Director and no annual report has been submitted to CET, Cabinet or the appropriate scrutiny committee. This has resulted in a lack of corporate oversight in monitoring and challenging the work of the Panel;
- the membership of the Panel needs to be reviewed in light of recent restructures and the Revenues & Benefits team transferring to Civica. It would also be useful to ensure that there is a designated person in place to cover in the absence of a Panel member;
- there is a general lack of awareness from members of staff as to who their Panel representative is; and
- minutes detailed a number of apologies from Panel members who could not attend.

At Senior Leadership Team (SLT) in January 2015, the Corporate Director: Communities raised the need to review membership of the Corporate Safeguarding Panel and asked heads of service to prioritise attendance at these meetings.

Does the Council have a comprehensive risk management approach to support how it meets its safeguarding responsibilities?

Opinion

There are measures in place to ensure that safeguarding risks are being identified but the process is not robust, as all key risks may not have been identified and there is a lack of corporate oversight of these risks to confirm that they are being appropriately managed. Improvements are also needed in the Deprivation of Liberty Safeguards (DoLS) process to ensure that applications are prioritised promptly.

A review of services' risks registers identified that safeguarding risks are not always included. While this may be reasonable depending on the nature of the service, some key services that come into regular contact with children and vulnerable adults, such as Education, and Planning and Public Protection (when transporting children and vulnerable adults in taxis), do not include safeguarding risks.

From our discussions with designated service representatives of the Corporate Safeguarding Panel, there is also a noticeable difference in how services manage safeguarding risks. For example, the Communication, Marketing and Leisure Service has a risk in relation to safeguarding on its risk register, and there is a meeting held monthly to raise awareness of safeguarding issues and highlight risks within the service. The Panel representative for Highways and Environmental Services has asked each manager to carry out a risk assessment to identify safeguarding risks within their area. However, currently, there is no process to ensure that any safeguarding risks identified by services are shared corporately to ensure that they are being effectively managed.

**Risk/Issue
2
Moderate**

The process for managing safeguarding risks by services is currently inconsistent, as some risks are detailed on a service's risk register, others have developed risk assessments for each section within their service, and other risks may not have been detailed at all. Additionally, there is a lack of corporate oversight of safeguarding risks to ensure that key risks are being identified and appropriately managed.

While the Community Support Service (formerly known as the Adult and Business Service) does not have a specific risk in relation to safeguarding on its risk register, there is a risk in relation to a successful challenge that the Council could be illegally depriving people of their liberty due to a Supreme Court 'Cheshire West' ruling in March 2014. As with other local authorities, Denbighshire has seen a considerably increase in the number of DoLS cases it receives (approximately 250 cases compared to 17 the previous year). To manage this risk, the Council has been:

- training more social workers to be best interest assessors to determine whether care home residents or hospital patients who lack the capacity

to consent to their care are being deprived of their liberty;

- ensuring that all DoLS applications are passed to the Service Manager: Specialist Services to prioritise cases based on risk; and
- putting in place a dedicated administrative post (on a fixed-term basis) to ensure that there is no delay in processing DoLS applications.

A RAG status is used to prioritise applications when they are received and our review established that there are a significant number of applications received that have not been given a priority status (approximately 90 cases). The Ministry of Justice's Code of Practice for DoLS (2008) details that:

"The regulations for Wales specify that all assessments required for a standard authorisation must be completed within 21 days from the date the assessors were instructed by the supervisory body." (p.46)

However, there is no timescale given in the Code of Practice for passing the application to the assessor upon receipt by the Council.

Risk/Issue 3 Moderate	Due to the number of DoLS applications being received by the Council, there is a delay in prioritising these applications and passing them to assessors for assessment, with some applications dating back to May 2014. This could mean that there are some applications that are of higher priority that are not being dealt with, and puts the Council at risk of a legal challenge.
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The Corporate Director: Communities explained that assessments for deprivation of liberty are not done purely by reviewing the DoLS application, but there will be a care plan in place that will have considered issues of capacity.

Are the Council's policies, procedures and processes providing adequate assurance on safeguarding?

Opinion

This area is weak, due to there being no Corporate Safeguarding Policy available to members of staff and elected members, and the Safeguarding Action Plan not being regularly monitored, resulting in a lack of awareness, and possibly key actions not being undertaken. While there is good work being carried out in services, there is no mechanism for recording and sharing safeguarding incidents corporately.

County Council approved a Corporate Safeguarding Policy in October 2013 as, despite a range of approaches in place, the Council could not be confident that robust safeguarding practice had been embedded within all of its functions. The Policy is comprehensive, detailing the responsibilities of the Council, its staff and elected members. At the time of its approval, discussions were underway to devise the most appropriate method for raising awareness of the Policy, with a target date of publication being April 2014.

Risk/Issue 4 Moderate

Despite the Corporate Safeguarding Policy having been approved in 2013, it has never been shared with members of staff. The Corporate Safeguarding Panel has been working on the Policy recently and plans to make it available via the intranet. Having a clear policy that is available to members of staff and elected members will increase their awareness of safeguarding and help to ensure that they are clear of their roles and responsibilities.

A Safeguarding Action Plan has been in existence since 2009 and is used as a driver for making improvements to manage safeguarding corporately. The overall responsibility for monitoring the implementation of the Action Plan is with the Social Services and Education Management Team (SSEMT) and the latest version of the Plan is dated March 2014, although the Corporate Director: Communities believes that it has been updated since then.

Risk/Issue 5 Moderate

The Safeguarding Action Plan does not appear to have been reviewed since March 2014, and there are some timescales detailed within the Plan dating back to 2011. It would therefore benefit from a full review to ensure that the actions detailed are still relevant and that there are appropriate timescales provided to implement them.

While there may be actions detailed within the Plan that apply specifically to Education and/or Social Services, there are other corporate actions detailed, for example to manage safeguarding arrangements with the Council's partners. Therefore, we consider that it would be more appropriate for the Corporate Safeguarding Panel to monitor the implementation of the Action Plan.

Discussions with representatives of the Corporate Safeguarding Panel

identified that most, but not all, services have processes in place to record safeguarding incidents and that these are discussed at Panel meetings.

**Risk/Issue
6
Moderate**

While safeguarding issues may be raised at the Corporate Safeguarding Panel meetings, the process for sharing information is still not robust due to a lack of a formal mechanism to record and share safeguarding incidents corporately. This will assist in raising awareness of safeguarding issues, as well as ensure that they are handled consistently, and that the Council learns lessons from incidents if they do occur. Without the Corporate Safeguarding Policy being available to members of staff, there is a risk that they are unclear of their responsibilities in reporting safeguarding incidents.

**Risk/Issue
7
Moderate**

Some services, such as Community Support Service and Communication, Marketing and Leisure, have specific performance indicators in relation to safeguarding that are reported through to the Performance Scrutiny Committee. In February 2014, the Corporate Safeguarding Panel was considering what performance data in relation to safeguarding needs to be collated but no progress appears to have been made in gathering this information from services.

Has the Council assured itself that it has appropriate systems for the safe recruitment of staff and that these are working effectively?

Opinion There are appropriate systems in place to ensure that safeguarding is considered during the recruitment process, but members of staff should only commence employment before their Disclosure and Barring Service (DBS) check has been cleared in exceptional circumstances, and this does not always appear to be the case. Additionally, more rigorous checks should be undertaken on the authenticity of certificates supplied for qualifications and professional membership.

The corporate Recruitment and Selection Procedure states that for posts that involve working with vulnerable adults and children, there should be particularly vigilant checks of references and employment history. Recruiting managers are asked to check qualifications listed on the person specification at interview through reviewing original or certified copies of the certificates (or contacting the relevant organisation if these cannot be provided).

**Risk/Issue 8
Moderate** We have raised in a previous HR review about the importance of checking the authenticity of certificates for qualifications and to prove membership of a professional organisation for key posts. At the time, HR planned to review which posts may need extra verification, but we were advised by HR that no additional check is being carried out currently and the Recruitment and Selection Procedure does not tell recruiting managers that they need to do this.

The corporate DBS policy details that for posts requiring an enhanced check, these must be sought as soon as the employment offer has been accepted. HR advises that employees should not start work before the DBS check is returned. In exceptional circumstances, a head of service/ head teacher's approval is needed so that the employee can commence employment before the DBS check has been cleared; however, they need to complete a risk assessment to confirm that there are appropriate supervision arrangements in place in the meantime.

**Risk/Issue 9
Moderate** Our testing of a sample of recruitments that required a DBS check identified that the majority of members of staff had commenced employment before their DBS check had been cleared. While our discussions with their line managers identified that most had carried out a risk assessment, we are still concerned that line managers are not allowing sufficient time for the DBS check to be returned before the employee starts work. In fact, there were four school-based posts in our sample of ten where two had started within two weeks of the date of the offer letter, and two who had started before the appointment letter had been issued (although references had been taken up prior to them starting).

Has the Council assured itself that members of staff and elected members are appropriately trained in safeguarding?

Opinion

While safeguarding is incorporated in the induction process, members of staff and elected members have not been adequately trained in safeguarding and this has led to a general lack of understanding of what safeguarding is.

The corporate induction process for new starters is now incorporated in the 'Denbighshire Way', to assist with improvements in the Council's approach for customer services. An officer within the Customers and Education Support Service monitors the induction process quarterly to check that an induction has been carried out for all new starters and covered the key elements, including safeguarding. However, there is currently no check to ensure that people moving posts have an induction to their new role.

As part of our equalities awareness review, we carried out a telephone survey of Council staff (including school staff) and elected members and incorporated questions relating to safeguarding. The survey highlighted a lack of awareness around safeguarding, as most members of staff were unaware of their key contact for safeguarding (apart from those located in schools), and that a Corporate Safeguarding Policy exists. There was more awareness amongst elected members, as they knew who their key contact for safeguarding was and were aware of the Policy.

The Corporate Director: Communities explained that they are planning to put in place a corporate safeguarding training group and are currently reviewing online safeguarding training packages that could deliver training to all members of staff.

**Risk/Issue
10
Moderate**

The training and guidance provided to members of staff is inconsistent across services. Both the Children and Family Service and Education, for example, provide comprehensive training on safeguarding to their members of staff but some other services do not provide any training or guidance. Every employee has a duty of care to report safeguarding issues, but a lack of training may mean that they not clear what should be reported.

Safeguarding is classed as a mandatory training course for elected members. The last session was held in 2012, which only 53% of members attended. Further sessions for safeguarding are being planned between May and July 2015 where it is hoped that attendance will be improved. The Corporate Director: Communities also plans to carry out several briefing sessions on safeguarding to County Council starting in September 2015. This will focus on lessons learned from Rotherham Council, to culminate in an action plan for child sexual exploitation prevention.

**Risk/Issue
11
Moderate**

There is a significant number of elected members that have not attended mandatory training on safeguarding. This may mean that they are not clear of their roles and responsibilities in relation to safeguarding. While there are two elected members who are represented on the Corporate Safeguarding Panel, they represent Social Services and Education and there is no overall elected member responsible for safeguarding. This could create a misconception that safeguarding is only the responsibility of these services.

Has the Council assured itself that there are appropriate arrangements in place with voluntary organisations and third party contractors?

Opinion Safeguarding arrangements with both voluntary organisations and third party contractors are currently under review.

Contractors and sub-contractors funded by the Council are responsible for arranging their own checks, e.g. DBS. While safeguarding arrangements form part of social care contracts and some other service contracts, in our previous safeguarding review, we were unable to provide assurance that similar arrangements exist for other standard contract arrangements.

A working group has been set up with representatives from the Collaborative Procurement Service and Property Services to review the current process, using approved contractor lists to identify where framework agreements can be set up instead. The process has taken longer than expected due to the number of submissions received from suppliers.

In addition, the Proactis source-to-contract solution is being rolled out across both Flintshire County Council and Denbighshire County Council for the management of tender and quotation exercises, as well as for approved lists and contracts. This should ensure that safeguarding matters are factored into the process and DBS checks are carried out where appropriate. However, there is still reliance on project managers to decide whether these controls are relevant to the contract.

Due to the general lack of awareness of safeguarding matters across the Council, project managers may be unaware of their roles and responsibilities for this area and may not factor safeguarding checks into the contract management process where appropriate.

During our previous review of safeguarding, we raised some recommended actions to assist in improving controls within the third party contractors' process. While progress has been made with implementing them, some actions are still not complete, including:

Risk/Issue 12 Moderate

- introducing a clause into the formal contract agreement to help ensure that all relevant contractors have robust processes in place in respect of safeguarding;
- capturing small scale service requests into the procurement process, e.g. minor works for vulnerable adults;
- introducing self-assessments for providers within the designated framework agreements, i.e. areas of work that impact on children and vulnerable adults, as part of contract monitoring procedures; and

issuing factual and useful information, e.g. contact details within the Council to contractors within the designated framework agreements (where safeguarding is an essential factor) so that

they are aware of the referral process and the need to report allegations or concerns should they arise.

An officer from the Communication, Marketing and Leisure Service has been involved in collating local intelligence on all voluntary organisations that exist within the area (focusing on children's groups). The work has been extensive due to the number of organisations that exist, but has been useful to assess their knowledge of safeguarding and the processes they have in place to manage it. The profiling of the organisations will continue until the end of the year but, in the meantime, a public awareness campaign is being planned to raise awareness of safeguarding matters with parents of children associated with the voluntary groups.

Once the above work is complete, a lessons learned exercise is planned and results can be fed into a similar exercise for vulnerable adults.

Follow up review of Taxi and Operator Licensing

We carried out a review of Taxi and Operator Licensing in September 2014 and raised four moderate risks/issues. We reviewed these as part of our Corporate Safeguarding audit and the results are detailed in Appendix 1.

Appendix 1- Action Plan

Audit Follow-up Review of: Taxi and Operator Licensing
Date: August 2015
Action Plan Owner: Head of Planning and Public Protection

Corporate Risk/Issue Severity Key	
	Critical – Significant CET and Cabinet intervention
	Major – intervention by SLT and/or CET with Cabinet involvement
	Moderate – Containable at service level. Senior management and SLT may need to be kept informed

Risk/ Issue No.	Risk/Issue	Agreed Action Responsibility & Timescale	Current Status	Further Action Needed
1.	<p>The Licensing Team does not pursue character reference and bankruptcy checks for new operator licences, despite this being a key step in the revised process.</p> <p>Checks of this nature ensure that the Council discharges its responsibility in this area, in line with the Local Government Act 1976 Part II – Hackney Carriages & Private Hire, and helps to reduce the risk of an unsuitable person being licenced as a taxi operator in the county.</p>	<p>The Licensing Team will undertake character reference and bankruptcy checks for new operator licences.</p> <p>Public Protection Manager – Immediately</p>	<p>In progress</p> <p>No new operator licences have been issued since our previous review.</p> <p>The Public Protection Business Manager does not consider the checks on character references to be beneficial as these are not verified. Therefore, the process needs to be reviewed and bankruptcy checks for new operators incorporated.</p>	<p>Review the current process for new operator licences to incorporate bankruptcy checks. Justification also needs to be provided that the Council is meeting its duty of care in respect of the Local Government Act if character reference checks are not carried out.</p> <p>Update the application forms on Denbighshire County Council’s website to reflect the checks carried out as part of the application process.</p>

Risk/ Issue No.	Risk/Issue	Agreed Action Responsibility & Timescale	Current Status	Further Action Needed
2.	<p>The Licensing Team has arrangements in place with the former First Contact Team (FCT) within Social Services for sharing internal intelligence about prospective taxi drivers that may affect the decision to grant a licence. However, the FCT (now split into two teams - Single Point Of Access (SPOA) and Children's Gateway) only provides a response when there is a potential issue and does not provide confirmation when checks are clear.</p> <p>In our opinion, this is insufficient and Social Services should provide confirmation on all checks carried out regardless of their outcome. There is a risk that a check is not done or the results are overlooked, but the Licensing Team still issues a licence, potentially to an unsuitable individual who poses a safeguarding threat, because they have heard nothing to the contrary.</p>	<p>The process for managing safeguarding checks from the Licensing Team for Taxi Drivers and other Public Service Vehicles is currently being clarified, as agreement is needed on what information should be returned and how.</p> <p>The main issue is that much of the information held by Social Services relates to allegations rather than facts proven by legal process. We need to identify how to respond when the information relates to an allegation and when it has been verified by investigation or other legal process. The legality of sharing this information under the Data Protection Act is currently being considered by the Legal service.</p> <p>Other agencies, such as CSSIW (Care & Social Services Inspectorate Wales) and CAFCASS (Children & Family Court Advisory & Support Service) use forms that ask specific questions, which we will complete and return. These are all recorded and retained in the email database for audit. A similar system may be required for the Licensing Team checks.</p> <p>Strategy and Development Officer/ Safeguarding Service Manager - September 2014</p>	<p>Complete</p> <p>Applications are input onto the Uniform Database and a weekly report is emailed directly to Social Services on a weekly basis. The report details the name of the applicant, their address, date of birth and reference number. Licences are not issued until a response has been received from Social Services.</p> <div data-bbox="1272 651 1361 730" data-label="Image"> </div> <p>licensing driver applications example.</p>	N/A

Risk/ Issue No.	Risk/Issue	Agreed Action Responsibility & Timescale	Current Status	Further Action Needed
		<p>The Strategy and Development Officer is meeting with the service manager responsible for safeguarding in early September to determine how Social Services will respond to these checks and clarify how we will share any relevant information. Following this, a meeting will be held with the Licensing Team to agree the proposed process.</p> <p>Strategy and Development Officer/ Senior Technical Officer (Licensing) – September 2014</p>		
3.	<p>DBS and DVLA checks for driver licence renewals are being undertaken retrospectively after a licence is issued. There is a risk that unsuitable or disqualified individuals are licensed to drive taxis in Denbighshire, which poses a threat to the public and safeguarding of vulnerable people. The risk is further perpetuated in relation to DBS checks, as changes to legislation mean that the Council no longer has sight of the DBS results directly and is reliant on the individuals to bring them in for processing. Our testing shows that, in several cases, this has not happened, with some DBS checks still outstanding several months after the licence was renewed. As the licences have already been</p>	<p>We will immediately implement a system of ensuring that no driver is issued with a renewal licence until we have seen the DBS and/or DVLA check, where applicable.</p> <p>We will also review our procedure to implement a system of appropriate warning for drivers due for both renewal of licences and renewal of DBS to ensure that they are clear that no licence will be issued until all relevant documents have been checked.</p> <p>Public Protection Manager – Immediate and new system to be reviewed and implemented from December 2014</p>	<p>Complete</p> <p>Positive results were obtained from our testing of a sample of licence renewals. We also established that:</p> <ul style="list-style-type: none"> • drivers are given three months' notice for renewals, and applicants are advised that the licences will not be issued until DBS and DVLA checks have been completed; • there is on-going work to identify a more appropriate method for accessing DVLA; • the DBS process is currently being reviewed (in conjunction with HR); • there is on-going work to develop an agreement to share information with North Wales Police; and • there is work to develop more appropriate performance measures for granting of licences. 	N/A

Risk/ Issue No.	Risk/Issue	Agreed Action Responsibility & Timescale	Current Status	Further Action Needed
	renewed, there is no incentive for drivers to submit their DBS results, nor is there a trigger point for suspending licences if the DBS check is not returned.			
4.	<p>The general housekeeping and filing of taxi licence records could be improved. During our testing, we were unable to locate some documentation in relation to vehicle plate applications because of the filing backlog. Nor could we verify from the files that two letters confirming driver licence revocations were sent.</p> <p>We acknowledge that current circumstances have contributed to this issue, such as maternity leave, recent restructuring within the service and the transition onto a new computer system.</p> <p>As a paper-intensive function, we consider that taxi licensing would benefit from using the corporate electronic records management system (EDRMS) and suggest its use is considered for the section.</p>	<p>We will review our document management systems, which will involve making better use of the Uniform database and any possible use of EDRMS.</p> <p>Public Protection Manager – April 2015</p>	<p>In progress</p> <p>The Uniform database is now live and should promote more electronic working through scanning and saving documents onto the system (although the process is not consistent at present).</p> <p>The filing backlog has not reduced, as priority has been given to approving applications. This has been compounded by staffing resources being reduced, but approval has been obtained for an additional 0.4 FTE administrative member of staff.</p> <p>The Licensing Team does not currently use the corporate EDRMS system.</p>	<p>Once additional resources are in place, deal with the filing backlog to ensure that documentation can easily be found.</p> <p>Liaise with the Corporate Information Manager to pursue using the EDRMS system.</p>

Report Recipients

- Corporate Director: Communities
- Leader of the Council
- Corporate Safeguarding Panel members
- Strategic Procurement Manager
- HR Services Manager
- Public Protection Manager
- Senior Leadership Team
- Chief Executive
- Section 151 Officer
- Chair – Performance Scrutiny Committee
- Lead Member for Social Care Adult & Children’s Services
- Lead Member for Education
- Lead Member for Finance, Corporate Plan & Performance
- Corporate Governance Committee
- Scrutiny Co-ordinator

Key Dates

Review commenced	February 2015
Review completed	May 2015
Reported to Corporate Governance Committee	28 September 2015
Proposed date for 1st follow up review	November 2015