

## **STANDARDS & ETHICS COMMITTEE**

**30<sup>th</sup> SEPTEMBER 2020**

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### **REPORT OF DIRECTOR OF GOVERNANCE & LEGAL SERVICES AND DIRECTOR OF SOCIAL SERVICES AND DIRECTOR OF SOCIAL SERVICES**

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## **MEMBER PROTOCOL ON SAFEGUARDING VULNERABLE CHILDREN AND ADULTS**

### **Reason for this Report**

1. To consider a revised draft of the Protocol which aims to provide guidance and advice to elected Members on their roles and responsibilities in relation to safeguarding vulnerable children and adults.

### **Background**

2. In December 2015, the Standards and Ethics Committee recommended a Protocol on the Role of Elected Members in Safeguarding Vulnerable Children and Adults ('the Protocol'), in line with the recommendations of an Independent Review into the role of Members in dealing with parent's complaints and acting as advocate in child protection proceedings. The Protocol aims to provide guidance and advice to elected Members on their roles and responsibilities in relation to safeguarding vulnerable children and adults.
3. The Council adopted the Protocol in January 2016.

### **Issues**

4. The Protocol has been independently reviewed and updated, under the oversight of the Director of Social Services, and following extensive discussion with Members, to ensure it remains fit for purpose. Flowcharts have been incorporated to clarify the process for Members to make a safeguarding referral or to raise general safeguarding concerns. The revised draft Protocol, with appended flowcharts, is attached as **Appendix A**.

5. The Committee is invited to consider the revised draft Protocol attached at **Appendix A**, and make any comments or suggested amendments prior to its submission to full Council for approval.
6. In order to reinforce the importance and effectiveness of the Protocol, it is recommended that the Committee recommend to Council that the approved Protocol should be incorporated within the Constitution and the Cardiff Undertaking.
7. Members should note that at the recent hearing held to determine the complaint referred by the Ombudsman (reported to Committee under Agenda item 4, the Councillor sought to argue that Councillors are not obliged to follow the Safeguarding Protocol as it is not legally binding. However, the Council obtained a Counsel's opinion on this issue in August 2016, which concluded that 'given it has been duly adopted, then it binds all Council Members'. Members of the Hearings Panel recommended that this should be clarified and confirmed by incorporating a commitment to comply with the Safeguarding Protocol within the Cardiff Undertaking.
8. A number of other amendments to the Cardiff Undertaking have been recommended and this is the subject of a separate report to this committee meeting.
9. Any amendment to the Cardiff Undertaking or the Constitution will require the approval of full Council.

### **Legal Implications**

10. Relevant legal implications are set out in the body of the report and in the Protocol at **Appendix A**.

### **Financial Implications**

11. There are no direct financial implications arising from this report.

### **Recommendations**

The Committee is recommended to:

1. Note and provide any comments on the revised draft Protocol on the Role of Members in Safeguarding Vulnerable Children and Adults, attached at **Appendix A**;
2. Authorise the Monitoring Officer, in consultation with the Chair, to make any appropriate amendments to the Protocol and recommend it to Council for approval; and

3. Recommend to Council that:
  - (a) the approved Protocol should be incorporated within Part 5 of the Constitution; and
  - (b) the Cardiff Undertaking should be amended to include a commitment to comply with the Protocol.

**Davina Fiore**

**Director of Governance & Legal Services and Monitoring Officer**

23<sup>rd</sup> September 2020

**Appendices:**

Appendix A: revised draft Protocol – The Role of Elected Members in Safeguarding Vulnerable Children and Adults

Background papers:

Standards and Ethics Committee report, 'Member Protocol on Safeguarding Vulnerable Children and Adults', December 2015

Council report, 'Member Protocol on Safeguarding Vulnerable Children and Adults', January 2016

Counsel's Opinion, Ruth Henke QC, 18/08/2016