

## **Appendix 14: Legislation for the Protection of Children and Adults at Risk – Wales**

The Welsh Assembly has adopted the United Nations Convention on the Rights of the Child as a guide to all its work. Local authorities are responsible for investigating and intervening to protect children from abuse and neglect.

The All Wales Procedures for Adult and Child Protection guide and inform child protection practice in each of the Local and Regional Safeguarding Children Boards across Wales. They outline the framework for determining how individual child protection referrals, actions and plans are made and carried out. They are based on the principle that the protection of children and adults from harm is the responsibility of all individuals and agencies working with children and families, and with adults who may be at risk. Partnership working and communication between agencies is identified as key in order to identify vulnerable children and to help keep them safe from harm and abuse.

Social Services and Well-being (Wales) 2014 [in effect from April 2016] introduced a new statutory framework to strengthen safeguarding. It introduces a new structure for Safeguarding Boards (both adults and children) and a National Independent Safeguarding Board. It also introduces a new duty on statutory agencies (i.e. police, providers of probation services, local health boards) to report concerns of abuse.

### **Children Act 1989**

Places a duty on local authorities to promote and safeguard the welfare of children in need in their area. It gives powers for the investigation of child protection concerns and the support of families. It institutes the principle of the child's welfare being our paramount consideration.

### **Children Act 2004**

Requires local authorities to make arrangements to promote cooperation between relevant partners with a view to improving the well-being of children locally. Part three of the Children Act 2004 applies solely to Wales.

### **Safeguarding Children: Working Together Under the Children Act 2004**

<http://gov.wales/pubs/circulars/2007/nafwc1207en.pdf?lang=en>

Sets out how organisations and individuals should work together to safeguard and promote the welfare of children.

### **All Wales Child Protection Procedures 2008**

[All-Wales-Child-Protection-Procedures-2008](#)

See link below for All Wales Child Protection Procedures with additional procedures and protocols for responding to specific circumstances (i.e. domestic violence, female genital mutilation, child sexual exploitation).

<http://www.childreninwales.org.uk/our-work/safeguarding/wales-child-protection-procedures-review-group/>

### **Children and Young People: Rights to Action**

<http://gov.wales/docs/caecd/publications/090415rightstoactionen.pdf>

The wider context for the implementation of child protection in Wales is informed by the Welsh Government's commitment to children's rights.

### **Social Services and Well-being Act (Wales) 2014**

<http://www.legislation.gov.uk/anaw/2014/4/contents/enacted>

Strengthening powers for safeguarding children and vulnerable adults.

### **Safeguarding Vulnerable Groups Act 2006 and Protection of Freedoms Act 2012**

Legislative basis for the Disclosure and Barring Service (DBS) which checks criminal records and makes decisions about individuals who should be barred from working with children and adults.

### **Protection of older people in Wales: A guide to the law (April 2011)**

[http://www.olderpeoplewales.com/en/news/news/11-04-14/Protection\\_of\\_older\\_people\\_in\\_Wales\\_A\\_guide\\_to\\_the\\_law.aspx#.VliN73bhDIU](http://www.olderpeoplewales.com/en/news/news/11-04-14/Protection_of_older_people_in_Wales_A_guide_to_the_law.aspx#.VliN73bhDIU)

## **The South Wales Safeguarding Adults Strategic Management Board**

Is made up of local authorities, police, health groups and voluntary and independent sectors who work together to challenge and combat abuse and promote the rights of vulnerable adults.

## **Wales Interim Policy and Procedures for the Protection of Vulnerable Adults from Abuse (January 2013)**

<http://ssiacymrw.org.uk/pova>

Guides the safeguarding work of all those concerned with the welfare of vulnerable adults employed in the statutory, third (voluntary) and private sectors, in health, social care, the police and other services.

**An easy read version of this document can be found here:**  [Keeping people safe from harm and abuse English Easy read \[1.2Mb\]](#)

Key points:

- unsuitable persons should be barred from working with children or persons at risk;
- employers should have a straightforward means of checking that a person is not barred from working with children or persons at risk;
- suitability checks should not be one-offs: there should be an element of ongoing assessment of suitability to catch those who commit wrongs following a suitability check.

## **Mental Capacity Act 2005**

There will be circumstances where an individual adult appears not to be able to make a decision about whether to consent to information being shared with others. The Mental Capacity Act and the associated code of practice contain guidance about the consideration of a person's capacity, or lack of capacity, to give consent to sharing information. The starting assumption must be that the person has capacity unless it is established that they do not, and only then after all practical steps to help the person make the relevant decision have been taken but have been unsuccessful. An unwise decision taken by the relevant person does not mean they lack capacity. Where a decision is made on behalf of the person who lacks capacity to share personal information, it must still comply with the requirements of the Data Protection Act and be in their best interests.