



**GRADUATE CERTIFICATE in Consolidation
of Social Work Practice
LEVEL 6 - 60 Credits
BMPPF6044**

**LEARNER PORTFOLIO
(PORTH AGORED and UNIVERSITY OF WALES
TRINITY SAINT DAVID)**

Learner's name: Anest James

Email address: anest.j@hotmail.co.uk

**Learner's University Registration Number:
1004304**

Cohort: 21onwards

Task 4

Safeguarding in an area which is not your main area of work

Guidance:

*Social Care Wales require newly qualified social workers to provide evidence of their understanding of safeguarding work with adults and children. The assignment below will enable you to demonstrate this. **N.B.** if your usual area of work is with children please write about adult safeguarding. If you usually work with adults, then write about child safeguarding. Ensure you meet the learning outcomes for this task (see appendix 5 of the handbook).*

Question a:

In an area **that is not your main focus of work** (see guidance above), explain the relevant legislation, and the national, local and organisational policies and procedures for safeguarding.

500 words (+/- 10%: include your actual word count at the end of each section).

Adult services is not my main focus of work therefore I will explain the relevant legislation, national, local and organisational policies and procedures for safeguarding. Part 7 of SSWBA outlines the duty placed on local authorities to safeguard persons at risk. The act places a duty on the local authority to assess and report those who they have reason to believe who are at risk. The act also specifies that regulations made section 54(5) care and support plans must include provision about recording in a care and support plan the conclusions of enquiries made under this section (SSWBA2014a).

The Wales Safeguarding Procedures were updated in 2019, the main update was the merging of the children and adult procedures. The procedures work as a guide for practitioners and assists in the application of SSWBA 2014 and the Working Together to Safeguard People statutory safeguarding guidance (Walesafeguardingprocedure2019d). The procedures are intended to guide safeguarding practice for all those employed in the statutory, non-statutory and all other multi-agencies. They are applicable for all practitioners and managers working in Wales - whether employed by a devolved or non-devolved agency (Walesafeguardingprocedure2019f).

An adult might be considered at risk if they are aged 18 years or over and:

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

(peoplefirst2021)

The Mental Capacity Act 2005 is a national legislation and is key when working with those who lack capacity. When an individual lacks capacity this would place them in the category of an adult at risk. The MCA 2005 specifies that a person must be assumed to have capacity unless it has already been established that the person lacks capacity. The MCA 2005 also places a specific duty on the local authority to ensure that all acts or decisions made on behalf of a person who lacks capacity must be done so in their best interest. In addition to a best interest assessor an Independent Mental Capacity Advocate should also be instructed and consulted. The MCA 2005 also covers Deprivation of Liberty Safeguarding (DOLS), DOLS are designed to protect the rights of those receiving care or treatment in a hospital or a care home where you are or may become deprived of your liberty and lack capacity to consent to arrangements made (AgeUK2019).

The Mental Health Act 1983 is the main piece of legislation that covers the assessment, treatment and rights of people with a mental health disorder (NHS2023). The act provides guidance to professionals on the care and support to be provided to individuals. The act safeguards individuals by outlining the process to be followed by professionals, including the process of detention and how the process can be challenged/ appealed by individuals/ carers and family members. If the individual is considered an adult at risk precedence must be given to adult safeguarding procedures.

The above legislations provide structured guidance that must be adhered to in order to safeguard adults and their carers, the legislation is clear and promotes practitioners to provide a safe and consistent approach.

545 words

Question b:

Reflect on the difference between safeguarding in adults' and children's work

400 words (+/- 10%: include your actual word count at the end of each section).

There are a few notable differences between the safeguarding role within adult and children services, this comes down to the differing legislation in each service area. Part 7 of the Social Services Wellbeing Act 2014 section 126 outlines the duty of the local authority to safeguard adults whereas section 130 outlines the duties placed upon the LA safeguard children. Section 130 sub section 6, part 7 SSWBA 2014 directs workers to the children act 1989 which outlines the duty to investigate under section 47 of the act. Although the introduction of SSWBA 2014 changed the legislation that is followed to safeguard adults, the children act 1989 remains the key piece of legislation for safeguarding children.

The age of mental capacity is 16, therefore children receiving services over this age should be assumed as having capacity unless there is evidence to prove otherwise (Mental Capacity Act 2005). Under part 3 section 20 of SSWBA 2014 a 16-17 year old has the right to refuse assessment/

services. Gillick competency would also be taken into consideration when working with children whereas this would not be applied to adults and the MCA 2005 would be the only legislation/guidance that would be followed for adults.

Gillick competency applies mainly to medical advice but it is also used by practitioners in other settings. For example, if a child or young person:

- would like to have therapeutic support but doesn't want their parents or carers to know about it
- is seeking confidential support for substance misuse
- has strong wishes about their future living arrangements which may conflict with their parents' or carers' views.

(NSPCC2022)

There is a conflict here as parental responsibility is up until the child is 18 therefore it can be a challenge when working with children and parents. Consideration must be given to the rights of the person to make unwise decisions. This consideration must be given to both children over the age of 16 and adults over the age of 18.

Part 7 Section 104 of SSWBA 2014 has given LA's in Wales the powers to enter the home of an adult at risk and talk with them in private but unlike Scotland, Wales do not have the powers to remove. Within children services under Section 46 of the CA 1989 children at risk can be removed by police powers whilst the LA make an application to the courts.

The All Wales Safeguarding Procedures have been updated for both adults and children in 2019 and provides guidance for practitioners undertaking safeguarding tasks.

419 words