

**GRADUATE CERTIFICATE in  
Consolidation of Social Work Practice  
LEVEL 6 - 60 Credits  
BMPF6044**

**LEARNER PORTFOLIO  
(PORTH AGORED and UNIVERSITY OF  
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**Cohort: 18 onwards**

**Task: 4**

## **Question A**

In Wales the Social Service and Well-being (Wales) Act 2014 (SSWBA) is the legislative framework in which safeguarding operates, it applies to children and adults. SSWBA was introduced in April 2016. It repealed previous laws and guidance relating to care and support building on the White Paper: Sustainable Social Services for Wales: A Framework for Action (2011). There are Wales Safeguarding Procedures (WSP) (2019) that guide practice within safeguarding both children and adults.

When an adult is considered to be at risk, it is this framework that guides practice and the Local Authorities duties in relation to adults. The focus of the (SSWBA) Act is around Well-being and outcomes with well-being being a core principle. Well-being can be all encompassing it considers all facets of a person's well-being holistically and considers health and physical, emotional but also more systemically the social, environmental and societal impacts of well-being (SCW, 2017; SCW, 2022; WSP, 2019).

The other core principles are; 'Voice and control' which promotes a person's right to choose how they are supported, taking a person centred approach, recognising individuals as the experts in their lives, 'Prevention and early intervention', to minimise the escalation of critical need, having support in place early and allowing people to sustain their independence, 'Co-production' defines the promotion of inclusion and participation of individuals in the delivery of their services (SCVW, 2017; SCW, 2019; SCW, 2020).

The WSP (2019) detail the roles and responsibilities for practitioners. The Procedures support applying the SSWBA and statutory safeguarding guidance Working Together to Safeguard People 2022. The legislation, policies and codes of practice inform organisational and local policies along with other pertinent legislation such as; Human Rights Act 1998, Equality Act 2010, Freedom of Information Act 2000 and Data Protection Act 2018.

Part 3 of the SSWBA outlines the Local Authorities duty to assess the needs of an adult for care and support. Welsh Language Measure 2011, Welsh Language Standards and the "More than Just Words" Framework are pertinent to how the active offer is made for people to have

services and assessment in their preferred language (Welsh Government, 2012a; Welsh Government, 2012b).

S126 of SSWBA defines an adult at risk; is experiencing or is at risk of abuse or neglect, has needs for care and support, and as a result of those needs is unable to protect themselves against the abuse or neglect or the risk of it. Where an adult has been identified at risk of harm or abuse the safeguarding actions should “reflect the nature and seriousness of the risk, and wherever possible and appropriate, support the person to achieve their desired outcomes” (Working Together to Safeguard People: Volume6 2022).

Mental Capacity Act 2005 (MCA) explains how capacity should be presumed unless reason to think otherwise is evidenced, that Individuals can make decisions regarding their well-being allowing certain risks. When Individuals have capacity and decline assistance, this should be respected and the focus should shift to harm reduction. Where a person has been formally assessed as lacking the mental capacity to make decisions about their own safety, decisions should be made in their best interests taking into account their wishes, feelings, beliefs and values (NOS, 2011; SCW, 2017). Deprivation of liberty safeguards due to be replaced by the Liberty Protection safeguards are frameworks designed to protect adults who do not have capacity and are deprived of their human rights (SCIE, 2015; SCIE, 2020).

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### **Question B**

Much of what is discussed in ‘A’ applies to children; the duty of the local authority, the duty to report and the definition of risk. A child at risk definition is the same with one caveat for adults “as a result of those needs is unable to protect himself or herself against the abuse or neglect or the risk of it” (WSP, 2019). This relates to a person’s choice to make unwise decisions when they have the capacity to do so. When working with Children and their families’ social workers have to balance this with safeguarding the children often takes priority when the unwise decisions adults make have an impact or risk to their children (Hothersall & Maas-Lowit, 2010). As a practitioner we work with people who are at risk of harm this could be through substance and alcohol abuse, being in a domestically abusive

relationship or living in conditions that are unsafe balancing this can be difficult especially when considering a person's adult rights and the rights and safeguarding of the children (Beckett, Maynard & Jordan, 2017; Warren, 2003).

Social work is full of dichotomy, Social work values and even the principles of the SSWBA have to be balanced with the reality of practice. How this differs in respect of resources and services available. Resources are a consistent strain within all practice, assessing a need of an individual not necessarily meaning that the need will be fulfilled. Resources, services, eligibility criteria and waiting lists can differ widely between children and adult services'. How this is managed can depend at the agency level and the availability of services within the community such as, third sector (BBC, 2021; Disability Wales, 2022; Feldman, 2019).

Human Rights apply to adults, not children however, there are rights of children ingrained from the UNCRC within Welsh Legislation. Balancing the legislation of human rights namely; Article 3: Freedom from torture and inhuman or degrading treatment, Article 5: Right to liberty and security and Article 8: Right to a private and family life, with the protection of adults that have been held under the MCA is supported by further legislation like the deprivation of liberty safeguards (DOLS) and the Liberty Protection safeguards (LPS), these are said to protect the limited rights of individuals who find their liberty at risk. DOLS does not apply to children however, LPS will now cover Children ages 16 and 17 (SCIE, 2015; SCIE, 2020). Within Wales we also have Mental Health (Wales) Measure 2010 which also applies to children.

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