



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

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

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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).

Within all the legislation, regulations and guidance relating to adults, the clear aim is to ensure the individuals human rights are supported as directed in The Human Rights Act (1998) which incorporates the European Convention on Human Rights into domestic UK law (Chisnell and Kelly, 2019, p.g 86). Under the Act, it is unlawful for any public body to act in a manner incongruent to these rights.

Practitioners in adult services within Wales, practice under the legal directives within the Social Services and Well-Being (Wales) Act (SSWB(W)A) (Welsh Government (WG),2014), with Part 7 specifically outlining adult safeguarding. Within the Part 7 of the SSWB(W)A (2014), section 126(1) gives the definition of an adult at risk as one who: “is experiencing or at risk of abuse or neglect”; “has need for care and support”; and “as a result of those needs is unable to protect himself or herself against abuse or neglect or the risk of it”. Furthermore, Section 128 outlines the duty to report adults at risk. Section 127 (2) of the SSWBA (WG, 2014) also provides powers in the form of Adult Protection and Support Orders, which allow an authorised officer to speak in private with a person suspected of being an adult at risk, so as to ascertain whether the person is making decisions freely and to assess if the adult is at risk.

When working with adults, the Mental Capacity Act (MCA) (2005) is used to assess the mental capacity of anyone over 16yrs old, with section 2 of the act outlining, “A person lacks capacity in relation to a matter, if at the material time he is unable to make a decision for himself in relation to the matter, because of an impairment or a disturbance in the functioning of the mind or brain” (MCA, 2005). The Act has five key principles which must be taken into consideration when assessing capacity, which include: the presumption of capacity; the right to be supported in decisions; the right to make unwise decisions; all decisions must be in the best interests of the individual; and the least restrictive option (Safeguarding Wales, 2019). If an individual lacks capacity, then a best interest decision can be made on their behalf, generally by a person providing care to the individual (Safeguarding Wales, 2019).

When working with adults who lack capacity, there are some situations that arise that require the use of Deprivation of Liberty Safeguards Procedures, which came into force in 2009. The deprivation in liberty may be in the form of preventing the individual from leaving a care home for example. The procedures are in place to prevent unlawful removal of an individual's liberty, and relates to people who have significant learning disabilities, people with dementia and those individuals who have neurological conditions. However, the deprivation of liberty safeguards only applies to individuals over 18yrs old and who live in a care home or hospital.

Further regulations around Safeguarding adults within Wales are set within the Safeguarding Boards (Functions and Procedures) (Wales) Regulations (2015), which outlines the statutory responsibility of adult safeguarding boards to undertake Practice Reviews, where there has been a significant incident, to identify any steps for the improvement of practice in multi-agency adult protection.

WORD COUNT = 536

Question b:

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

Within Wales, the legal framework for both adults and children come from within the Social Services and Well-Being (Wales) Act (SSWBA) (2014), which outlines the responsibility to safeguard both children and adults. Much of the procedure and duty remains similar, however when reflecting on the differences between adult safeguarding and that of safeguarding a child, one of the main differences is centred around capacity.

Adults with capacity have the right to self-determination (Teater, 2014) and are able to make unwise decisions (Mental Capacity Act (MCA), 2005), that potentially places themselves at risk, however, a child is not able to make a decision around their care, that results in them being at risk of harm. Adults can make a choice to not act in a manner that protects themselves, with the law only intervening in extreme circumstances where there may be a lack of capacity or that the adults' actions are impacting on a child's safety (Chisnell and Kelly, 2019). However, this level of self-determination is removed from a child's decision-making capability within a safeguarding context.

The legislation around safeguarding children is held within the Children Act (1989), which outlines the paramountcy principle, which is directly linked to a child's welfare and safeguarding, and dictates the child's welfare and best interest must be the first and paramount consideration within any decision. Within the SSWBA (2014) a child is categorised as anyone under the age of 18yrs old, even though the MCA (2005) indicates those over the age of 16 years old having capacity to make their own decisions. When making decisions around the safeguarding of a child, the child may be deemed as competent enough to have their views,

wishes and feelings taken into consideration, however this must always be balanced with the duty placed on the professionals to keep the child safe.

When safeguarding a child, there is a balance between the fundamental right of a child to be safe, along with the parents right to raise their child and the responsibility of the state to protect the child from harm, and make decisions in the child's best interests (Chisnell and Kelly, 2019). A child may have what is termed as Gillick Competence, which is a level of understanding and capacity to make decisions, however if these rights and decisions are in direct conflict with keeping a child safe, then the paramountcy principle set within the CA (1989) will result in the child's wishes being overruled.

WORD COUNT = 406