



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

**LEARNER PORTFOLIO
(PORTH AGORED and UNIVERSITY OF WALES
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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.

The UN Convention on the Rights of the Child 1989 establishes fifty four articles on the rights of children. UK wide legislation relating to the safeguarding of children includes the Children Act 1989 and 2004, the Human Rights Act 1998, the Female Genital Mutilation Act 2003 and the Modern Slavery Act 2015. Section forty seven of the Children Act 1989 establishes a statutory duty for local authorities to undertake investigations where they believe a child is at risk.

Most of the duties in relation to safeguarding of children in Wales arise from the Social Services and Well-being (Wales) Act 2014 [SSWBA]. Part seven of the SSWBA defines a child at risk, and sets out statutory duties meaning that organisations have a duty to report children at risk. Section twenty one of the SSWBA places a duty on local authorities to assess the needs of a child for care and support, where it appears the child may need care and support in addition to or instead of the support of their family (The National Archives, 2023b). Section thirty seven of the SSWBA sets out the duty on local authorities to meet the eligible needs of children, which may be in relation to protecting them from abuse or neglect. Part six of the SSWBA places duties on the local authority in relation to looked after children, including providing accommodation which may relate to their risk of abuse and neglect.

Part seven of the SSWBA requires the establishment of national and regional children's safeguarding boards. The responsibility of the national safeguarding board is to oversee the regional safeguarding boards and ensure they are running effectively and undertaking their responsibilities to safeguard children. Section 135.1 of the SSWBA states that regional safeguarding boards should work to "protect children within its area who are experiencing, or are at risk of, abuse, neglect or other kinds of harm, and to prevent children within its area from becoming at risk of abuse, neglect or other kinds of harm" (The National Archives, 2023c); they do this by overseeing the safeguarding work undertaken by local authorities, relevant partners, and practitioners.

Since 2019 the Wales Safeguarding Procedures have been in place, which includes specific procedures for safeguarding children. These procedures are set out in six sections which includes safeguarding principles and effective practise, the duty to report a child at risk of abuse, neglect and/or harm, responding to a report of a child at risk of harm, abuse and/or neglect, decision making and Initial child protection conferences, planning an intervention for children on the child protection register, safeguarding allegations concerns about practitioners and those in positions of trust, and all Wales practise guides (Wales Safeguarding Procedures, 2023c).

Within Swansea Council the director of social services has responsibility for ensuring there are proper safeguarding procedures across the whole authority. Swansea Council has set out a corporate plan that includes safeguarding as a key priority, and there is also a corporate safeguarding policy that sets out the expectation that all employees and people representing Swansea Council have a role in safeguarding citizens, including children. It also sets-out what actions those individuals are expected to take when safeguarding concerns are raised. Swansea Council has a Designated Lead Officer for safeguarding in child and family services and a named safeguarding person within each department.

Words - 550

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

Question b:

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

The differences are ethical and legal, this reflected in differences in policies, procedures and practices. Self-determination is central to differentiating safeguarding children and adults. Generally, adults are expected to be autonomous, making decisions for themselves. This is reflected within the principles of the Mental Capacity Act 2005 [MCA], e.g. it should be assumed adults have capacity unless proven otherwise, and they have the right to make unwise decisions (Department for Constitutional Affairs, 2007).

In defining an adult at risk the SSWBA states that someone should only be considered an adult at risk if they are experiencing or at risk of abuse and neglect, and are unable to protect themselves from abuse and neglect due to their need for care and support (The National Archives, 2023a). Conversely, the rights established for children in the United Nations Convention on the Rights of the Child 1989, recognise that children have emerging mental capacities and are therefore physically and psychologically dependent on their care givers to maintain their wellbeing and decision making. Children cannot protect themselves from abuse and neglect, by virtue of being children. This is reflected in the definition of a child at risk in s.130 (4) of the SSWBA that they is experiencing or is at risk of abuse, neglect or other kinds

of harm and have needs for care and support (Wales Safeguarding Procedures, 2023d) i.e. there is no expectation they should be able to protect themselves.

The notion of consent is related to self-determination. The Wales Safeguarding Procedures instruct practitioners to gain consent of both adults and children where possible, but provides guidance on making a referral without consent. For adults it would come from that individual, for a child it would be their parent or legal guardian.

Although the Wales Safeguarding procedures promote the right of the child to have their voice heard in the way they should be safeguarded (Wales Safeguarding Procedures, 2023e), they do not have the power to make decisions. For adults with mental capacity the procedures state “it is crucial that the adult at risk is in control of decisions as to how the risks they face in relation to abuse and neglect are managed” (Wales Safeguarding Procedures, 2023a). The exception to this is that the MCA applies to people from the age of 16. Therefore, although legally still children until the age of 18, safeguarding processes in relation to 16 and 17 years must adhere to the MCA.

The power to make safeguarding investigations is provided in different legislation for adults and children. For children it is in s.47 of the Children Act 1989, for adults it is s.126 of the SSWBA.

Words - 439

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