

SOCIAL SERVICES AND WELL-BEING (WALES) ACT

SUMMARY

Safeguarding

1 Introduction

This is a summary of the areas of the Social Services and Well-being (Wales) Act, regulations and statutory guidance that relate to safeguarding. This summary forms part of the suite of learning materials that have been developed to support the implementation of the Act. It is intended for anyone who would like to know more about changes to safeguarding under the Act.

2 Context

Safeguarding is everyone's business and practitioners in all agencies need to recognise and act when they identify children and adults at risk. There are some groups of people who need more detailed knowledge of Part 7 of the Act, which is specifically about safeguarding, and how other parts of the Act relate to safeguarding because they have specific duties and responsibilities:

- Practitioners in adults' and children's services in **local authorities** (or organisations they have delegated functions to) and practitioners in **relevant partner agencies** – police, probation, youth offending teams, local health boards and NHS trusts – need to know what must and should be done to safeguard people
- Local authority and relevant partner agency leaders who are involved in **Safeguarding Boards** will need to understand and implement areas relating to Board.
- **Members** of the **National Independent Safeguarding Board** will need to fully understand the guidance and regulations of Part 7 of the Act to enable them to report to Ministers and work effectively with Safeguarding Boards

The Act aims to strengthen and build on existing safeguarding practice in Wales to ensure that people are able to live their lives to the full. There is a new overarching duty to promote the well-being of people who need care and support. In the Act well-being is defined with eight common aspects, one of which is protection from abuse and neglect. In relation to a child, well-being also includes their physical, intellectual, emotional, social and behavioural development; and their welfare (ensuring they are kept safe from harm).



There are some other overarching duties in the Act. Practitioners have to have regard to people's individuality, dignity and their views, and support them to participate, including considering whether advocacy support is necessary. Practitioners must promote adults' independence and promote the upbringing of the child by the child's family where possible. Practitioners must also have regard to the United Nations Principles for Older Persons, Part 1 of the United Nations Convention on the Rights of the Child, the United Nations Convention on the Rights of Disabled People, as well as the European Convention of Human Rights.

2.1 Links to the rest of the Act

Other parts of the Act link to the duty to protect people from abuse and neglect, and to protect children from harm. Local authorities must:

- provide services that contribute towards preventing people suffering from abuse or neglect harm, and information and advice on how to raise concerns;
- assess people's needs, even if they refuse assessment, if abuse, neglect or harm (for children) is suspected;
- automatically meet needs for people whose needs aren't otherwise eligible if that is necessary to protect them from abuse, neglect or (for children) harm;
- safeguard and promote the well-being of looked after children; and
- actively engage and co-operate with partners to protect people from abuse, neglect or (for children) harm.

3 Adults Pathway



An adult at risk is an adult who is experiencing or is at risk of abuse or neglect, has needs for care and support (whether or not the local authority is meeting any of those needs), and as a result of those needs is unable to protect himself or herself against the abuse or neglect or the risk of it.



There is a new duty to report a child at risk for all relevant partners of a local authority. There is a duty for a local authority to make enquiries (linking into section 47 of the Children Act) if they are informed that a child may be at risk; and to take steps to ensure that the child is safe.

6 Safeguarding Boards

The Act establishes Safeguarding Children and Adults Boards across Wales. Boards have two main roles: prevention and protection. There will be representation on Boards from a range of statutory agencies, such as health, probation and the police, not just local authorities. Children's and Adult Safeguarding Boards have responsibility to review practice and to disseminate information on best practice. Safeguarding Boards should ensure that national policies and procedures are relevant and fit for purpose. They should also ensure that service recipient participation is embedded into their work. In particular, Boards must publish a plan each financial year setting out what they intend to do, and a report on progress and work achieved at the end of that year. They can also ask for, and be asked for, information from partner agencies.

7 National Independent Safeguarding Board



The Act establishes the National Independent Safeguarding Board. This is an advisory Board that advises Welsh Ministers on safeguarding. The Board's duties are to:

- Provide support and advice to local Safeguarding Boards to enhance their effectiveness
- Report on the adequacy and effectiveness of safeguarding arrangements
- Make recommendations about how arrangements could be improved

National board members will be appointed by Welsh Ministers. The Board will regularly engage with a range of expert reference groups, practitioners and individuals.

8 Summary

The Act sets out what must and should be done to safeguard children and adults. Statutory guidance and regulations provide more information and should be followed. People must act lawfully. They should act in ways that reflect good practice based on what service recipients and carers have said they want and need, on practice experience, and on research. It is important to identify actions you can take that will lead to good, lawful practice. This will help to strengthen and build on safeguarding practice in Wales.



There is a new duty to report an adult at risk for all relevant partners of a local authority. There is a new duty for a local authority to make enquiries if it has reasonable cause to suspect that a person within its area (whether or not ordinarily resident there) is an adult at risk.

4 Adult Protection and Support Orders

The Act introduces adult protection and support orders (APSOs). These are a new function designed to enable a local authority to properly assess whether a person is an adult at risk and, if so, to make a decision about any action that should be taken.

What: Order from a Justice of the Peace to enable private conversation, find out if the person is making decisions freely, and assess whether an adult at risk

Why: Suspicion that adult is at risk, order needed to gain access, order will not result in greater risk

Who for: Authorised officer, constable, others as needed

Where: Specific premises

When: Specific timeframe

How: Guidance sets out considerations about how to use this well

To grant an order there needs to be reasonable cause to suspect that a person is an adult at risk, and that the order is needed to be able to assess them, and that using the order will not result in their being at greater risk of abuse or neglect. APSOs are only to be used in exceptional circumstances where other attempts to speak to the adult considered to be at risk have failed.

5 Children's Pathway



A child at risk is a child who is experiencing or is at risk of abuse, neglect or other kinds of harm, and has needs for care and support (whether or not the local authority is meeting any of those needs).