



Legislation and guidance summary

Legislation/guidance

Adults - *In Safe Hands 2000: Implementing Adult Protection Procedures in Wales*

How it protects the people we support

Places a duty on local authorities in Wales to coordinate adult protection procedures in their areas. It ensures that policies and procedures are in place across Wales, which, clarify the principles of good practice and facilitate service development designed to prevent, identify and respond to abuse of adults at risk.

What it requires you to do if you become aware of harm, abuse and neglect

To report concerns to an appropriate person in line with safe sharing of information.

Legislation/guidance

Adults - *Wales Interim Policy and Procedures for the Protection of Vulnerable Adults from Abuse 2010*

How it protects the people we support

Individuals have the right to be fully involved throughout the adult protection process and to make decisions about their safety and welfare, unless it has been assessed that they do not have the mental capacity to make any particular decision.

What it requires you to do if you become aware of harm, abuse and neglect

You have a duty of care to act if you:

- witness abuse;
 - receive information about abuse, suspected abuse or concerns about the care or treatment of an adult at risk; and
 - have concerns or suspicions about possible abuse or inappropriate care.
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Legislation/guidance

Adults - Deprivation of Liberty Standards

How it protects the people we support

Protects the rights of people in care homes or hospitals.

Allows restraint and restrictions to be used – but only if they are in a person's best interests.

Allows a resident or patient to be deprived of their liberty when they lack capacity to consent to their care and treatment, in order to keep them safe from harm.

What it requires you to do if you become aware of harm, abuse and neglect

To report any instances of an individual who wrongly is deprived of their liberty.

Legislation/guidance

Children - *United Nations Convention on the Rights of the Child 1989*

How it protects the people we support

The Convention says that every child has:

- the right to a childhood;
- the right to be educated;
- the right to be healthy;
- the right to be treated fairly; and
- the right to be heard.

What it requires you to do if you become aware of harm, abuse and neglect

You should always do what is best for the child, whilst respecting the views of the child i.e. their best interests must be the primary concern in making decisions that may affect them.



Legislation/guidance

Children - *Children Act 1989 and 2004*

How it protects the people we support

Places a duty on all agencies to safeguard and promote the welfare of children, which includes sharing concerns at an early stage to encourage preventative action.

What it requires you to do if you become aware of harm, abuse and neglect

You have a responsibility to act if you:

- witness abuse;
- receive information about abuse, suspected abuse or concerns about the care or treatment of a child; or
- have concerns or suspicions about possible abuse.

Legislation/guidance

Children - *Working Together under the Children Act 2004*

How it protects the people we support

Sets out the processes which should be followed when there are concerns about a child, and the action which should be taken to safeguard and promote the welfare of children who are suffering, or at risk of suffering, significant harm.

What it requires you to do if you become aware of harm, abuse and neglect

All those whose work brings them into contact with children or adults or working with adults who pose a potential risk to children should understand the purpose of sharing information in order to safeguard and promote children's welfare. They need to be confident about what they can and should do under the law, including how to obtain consent to share information, and when information may be shared even though consent has not been obtained or when to seek consent would place the child at risk of increased harm.

Legislation/guidance

Children - *All-Wales Child Protection Policy and Procedures 2008*

How it protects the people we support

They are based on the principle that the protection of children from harm is the responsibility of all individuals and agencies working with children and families, and with adults who may pose a risk to children.

What it requires you to do if you become aware of harm, abuse and neglect

You have a duty of care to act if you:

- witness abuse;
- receive information about abuse, suspected abuse or concerns about the care or treatment of a child; and
- have concerns or suspicions about possible abuse.

Legislation/guidance

Generic - *Data Protection Act 1998*

How it protects the people we support

Protects the privacy and integrity of data held on individuals by businesses and other organisations.

What it requires you to do if you become aware of harm, abuse and neglect

To disclose information if it is likely to assist in the prevention, detection or prosecution of a crime and if a failure to disclose would be prejudicial to those purposes.

Legislation/guidance

Generic - *Human Rights Act 1998*

How it protects the people we support

The Human Rights Act 1998 protects everyone in the UK. The rights protected include:

- the right to life;
- the right to respect for private and family life; and
- the right to freedom of religion and belief.

What it requires you to do if you become aware of harm, abuse and neglect

To act when the rights of the people you support are threatened, i.e. report any concerns to an appropriate person.



Legislation/guidance

Generic - *Care Standards Act 2000*

How it protects the people we support

- Provide minimum standards below which no provider may operate.
- Ensure the protection of residents.

Safeguard and promote the health, welfare and quality of life of residents and provide standards which are robust, measurable and enforceable, in order to achieve these aims, for example, not employing someone who is on the POVA or POCA list.

What it requires you to do if you become aware of harm, abuse and neglect

To report your concerns immediately.

Legislation/guidance

Generic - *Mental Capacity Act 2005*

How it protects the people we support

Protects the rights of individuals who cannot make decisions for themselves (lack capacity).

Protects the rights of individuals to make unwise decisions.

Any decisions made on behalf of an individual who lacks capacity must be in their best interest.

What it requires you to do if you become aware of harm, abuse and neglect

To act when the rights of the people you support are threatened, i.e. report any concerns to an appropriate person.

Legislation/guidance

Generic - *Safeguarding of Vulnerable Groups Act 2006*

How it protects the people we support

Provides the legislative framework for a new vetting and barring scheme for people who work with children and vulnerable adults, thereby preventing unsuitable individuals from working with children and vulnerable adults.

What it requires you to do if you become aware of harm, abuse and neglect

To report your concerns immediately.

Legislation/guidance

Generic - *Mental Health Act revision 2007*

How it protects the people we support

It requires hospitals to ensure that patients aged under 18 years-old, admitted to hospital for mental disorder are accommodated in an environment that is suitable for their age (subject to their needs).

It minimises restrictions on liberty by stopping people being compulsorily detained, or their detention continued, unless appropriate medical treatment and all other circumstances of the case is available to that patient.

It involves patients in planning, developing and delivering care and treatment appropriate to them.

What it requires you to do if you become aware of harm, abuse and neglect

To report your concerns immediately.

Legislation/guidance

Generic - *Equality Act 2010*

How it protects the people we support

It protects individuals from discrimination on the grounds of:

- disability
- gender reassignment
- pregnancy and maternity (which includes breastfeeding)
- race
- religion and belief
- sex, and
- sexual orientation.

What it requires you to do if you become aware of harm, abuse and neglect

To act when the rights of the people you support are threatened, i.e. report any concerns to an appropriate person.



Legislation/guidance

Generic - *Social Services and Well-being (Wales) Act 2014*

How it protects the people we support

The Act identifies Adult and Children's Pathways in safeguarding.

Adults Pathway

Defines the term 'Adult at Risk' as an adult who:

- a)** is experiencing or is at risk of abuse or neglect;
- b)** has needs for care and support (whether or not the local authority is meeting any of those needs); and
- c)** as a result of those needs is unable to protect himself or herself against the abuse or neglect or the risk of it.

The term 'at risk' allows for an early intervention, the aim being to protect people who need it and help to prevent abuse or neglect.

It places a duty upon Local Authority partner organisations such as Police, health boards and probation to inform the local authority if it suspects that an adult is at risk.

Local authorities have a new power to make enquiries if it has reasonable cause to believe an adult is at risk.

If required an 'Adult Protection and Support Order' (APSO) can be used in exceptional circumstances to ensure a proper assessment takes place.

Childrens Pathway

The definition of a Child at Risk is a child who:

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

It places a duty upon relevant local authority partners to inform the local authority if it suspects that a child is at risk.

When a child has been reported as at risk the follow up action by the local authority will be the same as that required by section 47 of the *Children Act 1989*.

What it requires you to do if you become aware of harm, abuse and neglect

Promotes the idea that safeguarding is every ones business.

You have a duty to report children and/or adults at risk.

Legislation/guidance

Generic - *Violence against Women, Domestic Abuse and Sexual Violence (Wales) 2015 Act*

How it protects the people we support

Requires local authorities and their partners to develop consistent services in line with a national strategy. Will encourage multi-agency collaboration around identification and commissioning of services.
