



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

**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.

In Wales The *Social Services Well-being (Wales) Act 2014* (SSWBA, 2014) is what provides the legal basis for social services provision. The Children Act 1989 is what outlines the duty local authorities have when it comes to promoting and safeguarding the welfare of children we come into contact with.

Children's Safeguarding is underpinned by two important principles; the first being, 'Safeguarding and protecting in everybody's responsibility' – 'relevant partners' are listed in the guidance (SCW), 2019), however this principle emphasizes the importance that Safeguarding is everyone's responsibility and encourages a multi-disciplinary approach (S.Dixon,2022): anybody that is concerned about a child's safety has a duty to report. The Second principle is 'Child-centred approach' – any decision made needs to be their best interest, their views need to be gained from them and taken into consideration (Part 26. (2) (SSWBA)). Wales is the first and as it stands currently the only nation to incorporate Children's rights into the *United Nations Convention on the Rights of the Child* (UNCRC, 1989).

The Wales Safeguarding Procedures ((SCW), 2019), which is the statutory guidance that accompanies the legislation, replaced the All-Wales Child Protection Procedures (2008). *Working Together to Safeguard People (Wales)*, which is issued under S131 of SSWA (SSWA, 2014), outlines the duty to report a child at risk of neglect or abuse. SSWA, S130 (4) defines that 'a child at risk' is a child

experiencing or at risk of abuse, neglect or harm, and needs care and support. SSWBA describes the term, 'at risk' meaning that actual abuse or neglect doesn't need to happen. 'Harm' is described as ill-treatment, which could include sexual abuse, emotional abuse, psychological abuse and neglect.

Since 21/03/2022 *The Children (Abolition of Defence of Reasonable Punishment) (Wales) Act ((ANAW), 2020)* has made 'defence of reasonable punishment' illegal. Meaning nobody in Wales can use physical punishment, including smacking, hitting, shaking or slapping, these will be seen as common assault.

S130 of SSWBA (SSWBA, 2014) places a duty on all 'relevant partners' to report a concern to safeguarding. It is standard and expected, that once the referral has been received the team need to screen this within one working day. If the child appears to be at risk or is suffering significant harm, the local authority has a duty to investigate. This investigation happens under S47 of the Children Act (CA, 1989), if needed an emergency protection order can be issued enabling authorities to remove the child. If the child isn't in immediate danger, an assessment can take place as to whether they require care and support and then go on to formulate a care and support plan under S54 of SSWBA (SSWBA, 2014).

Each individual local Authority in Wales will have their own safeguarding policy and procedure which is in line with national legislation and Guidance.

Word Count 450

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 *Social Services and Well-being (Wales) Act 2014 (SSWBA)* is what all professionals work within with regards to care and support provision for children and adults in Wales. Part 7 of this act relates to Safeguarding children and adults. SSWBA is the statutory framework for formulating the *Wales Safeguarding Procedures (2019)*. Children and adults then have separate safeguarding procedures.

SSWBA informs that Safeguarding is everyone's responsibility, and all agencies and professionals must report a child or adult at risk immediately. Adults and Children at risk are defined differently; S.126(1) SSWBA deems an adult at risk to be "if they are experiencing (or at risk of experiencing) abuse or neglect, have needs of care and support, and, as a result of those needs, cannot protect themselves against the abuse and neglect". S.130 (4) SSWBA deems a child at risk if "they are experiencing (or at risk of experiencing) abuse, neglect or other kind of harm and has needs of care and support."

The main difference between Child and Adult Safeguarding is based on Capacity and Consent, *The Mental Capacity Act (2005) (MCA)* provides the legal structure for making decisions for individuals who may lack the capacity to do so themselves. Everyone has the right to live a life free from any form of abuse (*Human Rights Act 1989*). However, Adults can choose to put themselves in dangerous and risky situations and not lack capacity, it is common for adults to choose to make unwise decisions, which they have the right to do (*Principle 4 MCA, 2005*).

However if a child is at risk, they are removed from the home/place in which they are found to be residing immediately, away from potential risk or harm (*SSWBA 2014*). If the child is then found to be at significant harm the local authority has a duty to investigate under S47 of *The Children Act 1989*.

The *MCA* does not apply to children under the age of 16, children that are over the age of 16 are deemed to be able to demonstrate the capacity to consent, however S105 *The Children Act, 1989* along with SSWBA consider a person to be a child up until the age of 18. This difference in ages can cause difficulties for Professionals when they are dealing with capacity and consent of a child or young person.

Word Count 385

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