

Appendix 14: Legislation for the Protection of Children and Adults at Risk – England

Children Act 1989

Places a duty on local authorities to promote and safeguard the welfare of children in need in their area. It gives powers for the investigation of child protection concerns and the support of families. It institutes the principle of the child's welfare being our paramount consideration.

Children Act 2004 and Children and Families Act 2014

The Children Act 2004 requires local authorities to make arrangements to promote cooperation between relevant partners with a view to improving the well-being of children locally. The Children and Families Act 2014 introduced a number of reforms notably around adoption and the time limit for courts to decide whether or not a child should be taken into care.

Working Together to Safeguard Children 2015

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/419595/Working_Together_to_Safeguard_Children.pdf Provides guidance on what organisations should do to safeguard children.

What to do if you are worried a child is being abused 2015

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/419604/What_to_do_if_you_re_worried_a_child_is_being_abused.pdf Simple and clear guidance on what steps individuals should take when concerned for a child's well-being.

Care Act 2014

Sets out how people's care and support needs should be met and introduces the right to an assessment for anyone, including carers, in need of support. It introduces a 'well-being principle' which places people's well-being at the centre of care and support services.

Care Act 2014 - Care and Support Statutory Guidance Issued under the Care Act 2014

<https://www.gov.uk/government/publications/care-act-statutory-guidance/care-and-support-statutory-guidance>

This is the first time we have had a law telling councils what to do to help keep adults safe from abuse or neglect. It explains what abuse is and what organisations can do to work together to keep people safe.

Safeguarding Vulnerable Groups 2006

Introduced to restrict contact between children and persons at risk with those who might do them harm. Principles:

- unsuitable persons should be barred from working with children or persons at risk
- employers should have a straightforward means of checking that a person is not barred from working with children or persons at risk
- suitability checks should not be one-offs: there should be an element of ongoing assessment of suitability to catch those who commit wrongs following a suitability check

Mental Capacity Act 2005

There will be circumstances where an individual adult appears not to be able to make a decision about whether to consent to information being shared with others. The Mental Capacity Act and the associated code of practice contain guidance about the consideration of a person's capacity, or lack of capacity, to give consent to sharing information. The starting assumption must be that the person has capacity unless it is established that they do not, and only then after all practical steps to help the person make the relevant decision have been taken but have been unsuccessful. An unwise decision taken by the relevant person does not mean they lack capacity. Where a decision is made on behalf of the person who lacks capacity to share personal information, it must still comply with the requirements of the Data Protection Act and be in their best interests.

Age UK Factsheet 78: Safeguarding Older People from Abuse and Neglect, May 2015

http://www.ageuk.org.uk/Documents/EN-GB/Factsheets/FS78_Safeguarding_older_people_from_abuse_fcs.pdf?epslanguage=en-GB?dtrk=true

Explains the new laws on safeguarding adults and helps individuals decide what to do where there are concerns that an older person may be at risk of abuse or neglect.