

## Legislation and Guidance – UK

### Children

#### England and Wales

Children Act 2004	Children Act 1989
<p>Encourages partnerships between agencies and creates more accountability. Part three of the Children Act 2004 applies solely to Wales.</p> <ul style="list-style-type: none"> <li>Creates the post of Children's Commissioner for England</li> <li>Places a duty on local authorities to appoint a director of children's services and an elected lead member for children's services, who is ultimately accountable for the delivery of services.</li> <li>Places a duty on local authorities and their partners to co-operate in promoting the wellbeing of children and young people and to make arrangements to safeguard and promote the welfare of children</li> <li>Updates the legislation on physical punishment (section 58) by limiting the use of the defence of reasonable punishment so that it can no longer be used when people are charged with the offences against a child of wounding, actual or grievous bodily harm or cruelty.</li> </ul>	<p>Currently provides the legislative framework for child protection in England.</p> <p>Key Principles established by the act include:</p> <ul style="list-style-type: none"> <li>The paramount nature of the child's welfare</li> <li>The expectations and requirements around duties of care to children.</li> <li>Safeguarding Vulnerable Groups Act 2006</li> </ul>
	Safeguarding Vulnerable Groups Act 2006
	<p>The Safeguarding Vulnerable Groups Act (SVGA) 2006 was passed to help avoid harm, or risk of harm, by preventing people who are deemed unsuitable to work with children and vulnerable adults from gaining access to them through their work.</p> <p>The Independent Safeguarding Authority was established as a result of this Act.</p>
Sexual Offences Act 2003	Working Together 2018
<p>References sexual crime laws and defines abuse of trust.</p>	<p>Key statutory guidance for anyone working with children in England. Sets out how organisations and individuals should work together and how practitioners should conduct the assessment of children.</p>

### Scotland

Protection of Vulnerable Groups Act 2007	Children and Young People (Scotland) 2014
<p>Protection of Vulnerable Groups (Scotland) Act 2007 In 2007 the Protection of Vulnerable Groups (Scotland) Act came into force. This act makes it a criminal offence to: Employ an individual (paid or voluntary) into a regulated work role with vulnerable groups such as children and</p>	<p>Children &amp; Young People (Scotland) Act 2014 enshrines in legislation the national approach to child wellbeing and protection in Scotland known as Getting it Right for Every Child (GIRFEC). Within GIRFEC children's needs are assessed on a well-being spectrum using 8 Well-being indicators – SHANARRI</p>

<p>young people if they are barred from working with this group.</p> <p>In order for an organisation to know whether a prospective employee or volunteer is on the Children's List they will need to seek clarification on the individual's PVG Scheme Membership Status.</p> <p>To fail to make a referral to Disclosure Scotland when the criteria for referral have been met. The referral criteria can be found here: <a href="https://www.mygov.scot/pvg-referrals/?via=https://www.disclosurescotland.co.uk/protection/services/referralprocess.htm">https://www.mygov.scot/pvg-referrals/?via=https://www.disclosurescotland.co.uk/protection/services/referralprocess.htm</a></p>	<p>– Safe, Healthy, Achieving, Nurtured, Active, Respected, Responsible, Included. GIRFEC promotes prevention of issues as much as appropriate response and encourages early intervention where wellbeing concerns are identified.</p> <p><a href="https://www.gov.scot/publications/children-young-people-scotland-act-2014-national-guidance-part-12/pages/3/">https://www.gov.scot/publications/children-young-people-scotland-act-2014-national-guidance-part-12/pages/3/</a></p>
National Guidance for Child Protection in Scotland 2014	Children (Scotland) Act 1995
<p>This guidance states that 'All agencies that work with children and families have a shared responsibility for protecting children and safeguarding their welfare'.</p> <p>Those working and volunteering in sport are specifically recognised as having a key role to play,</p> <p>'Workers of sports organisations and clubs are often significant role models and trusted people in a child's life and are therefore well placed to identify a child who needs help and take action'.</p>	<p>This Act contains the following statement on duty of care: 'Any person (16 years or over) who has care or control of a child has a responsibility to do what is reasonable in all circumstances to safeguard a child's health, development and welfare'. This is known as having a 'duty of care'.</p>
Respect for All	UN Convention on the Rights of the Child 1989
<p>This is Scotland's national approach to anti-bullying for children and young people. The guidance contained within Respect for All highlights the role that adults in all settings have in preventing and responding to bullying behaviour.</p> <p><a href="https://www.gov.scot/publications/respect-national-approach-anti-bullying-scotlands-children-young-people/pages/2/">https://www.gov.scot/publications/respect-national-approach-anti-bullying-scotlands-children-young-people/pages/2/</a></p>	<p>This contains 54 Articles relating to the rights of the child and states that '<i>without discrimination, children have the right to be protected from all forms of abuse, neglect and exploitation.</i>'</p>

## Northern Ireland

The Children (Northern Ireland) Order 1995	Safeguarding Vulnerable Groups (Northern Ireland) Order 2007
<p>This act provides the legislative framework for Northern Ireland's child protection system. It sets out:</p> <ul style="list-style-type: none"> <li>parental responsibilities and rights, and</li> <li>duties and powers public authorities have to support children and intervene if there are concerns about a child</li> </ul>	<p>This act sets out measures to prevent unsuitable adults from working with children.</p>
Criminal Law Act (Northern Ireland) 1967	Safeguarding Board Act (Northern Ireland) 2011
<p>This act includes measures for failing to disclose an arrestable offence to the police.</p>	<p>This act sets out the law for the creation of a new regional Safeguarding Board for Northern Ireland</p>

	and the establishment of five Safeguarding Panels to support the SBNI's work at a Health and Social Care Trust level.
<b>Children's Services Co-operation Act (Northern Ireland) 2015</b>	
Requires public authorities to co-operate in contributing to the wellbeing of children and young people, in the areas of: physical and mental health; enjoyment of play and leisure; learning and achievement; living conditions, rights, and economic wellbeing.	

## Adults

### England and Wales

<b>The Care Act 2014</b>	<b>Data Protection Act 1998</b>
<p>The Care Act 2014 sets out a clear legal framework for how local authorities and other parts of the system should protect adults at risk of abuse or neglect.</p> <p>The Care Act aims to improve people's independence and wellbeing. It makes clear that local authorities must provide or arrange services that help prevent people developing needs for care and support or delay people deteriorating such that they would need ongoing care and support (GOV.UK, 2016).</p>	<p>The Data Protection Act 1998 is a United Kingdom Act of Parliament designed to protect personal data stored on computers or in an organised paper filing system. It follows the EU Data Protection Directive 1995 – protection, processing and movement of data.</p>
<b>Human rights Act 1998</b>	<b>Mental Capacity Act 2005</b>
<p>The Human Rights Act is a UK law passed in 1998. It lets you defend your rights in UK courts and compels public organisations (including the Government, police and local councils) to treat everyone equally, with fairness, dignity and respect.</p>	<p>The Mental Capacity Act (MCA) 2005 applies to everyone involved in the care, treatment and support of people aged 16 and over living in England and Wales who are unable to make all or some decisions for themselves. The MCA is designed to protect and restore power to those vulnerable people who lack capacity.</p>
<b>Safeguarding Vulnerable Groups Act 2006</b>	<b>Protection of Freedoms Act 2012</b>
<p>The Safeguarding Vulnerable Groups Act (SVGA) 2006 was passed to help avoid harm, or risk of harm, by preventing people who are deemed unsuitable to work with children and vulnerable adults from gaining access to them through their work.</p> <p>The Independent Safeguarding Authority was established as a result of this Act.</p>	<p>The Protection of Freedoms Bill gained royal assent on 1 May 2012 and includes a reform of the vetting and barring and criminal records regime and a change in the law to allow people who were prosecuted for consensual sex with a person aged 16 or over, at a time when this was illegal, to apply to have their convictions removed from the Police National Computer and other police records if they meet the conditions laid down in the Protection of Freedoms Act 2012.</p>

Care and Support Statutory Guidance 2014

Social Services and Well Being Act 2014 (Wales)

Safeguarding Procedures 2019 (Wales)

### Scotland

Adult Support and Protection Act 2007 Cod of Practice 2014

Adults with Incapacity Act 2000

### Northern Ireland

Adult Safeguarding Prevention and Protection in Partnership 2015

Mental Capacity (Northern Ireland) 2016

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