

Legal Framework for Safeguarding in England and Wales

The legal framework for safeguarding is made up of legislation (the law) and statutory guidance. Listed below is some of the legislation and guidance which underpins the work that we as churches do with children, young people and adults at risk.

Both legislation and statutory guidance are established with an equal expectation that they are adhered to. In the most part statutory guidance is written to assist the implementation of legislation. It often outlines the practical matters that agencies need to address and how they should respond to situations with consideration of the primary legislation.

Legislation and guidance related to safeguarding **children** and **adults at risk**

Legislation	Relevance to Safeguarding
Human Rights Act 1998	Article 8 Respect for private and family life Article 9 Freedom of thought, belief and religion Article 10 Freedom of Expression
Safeguarding Vulnerable Groups Act 2006	Established the Independent Safeguarding Authority which later became the Disclosure and Barring Service (DBS)
Serious Crime Act 2015	Includes offences relating to child cruelty, sexual communication with a child, Female Genital Mutilation (FGM), coercive and controlling behaviour within intimate and family relationships.
Counterterrorism and Security Act 2015	Established the duty on certain statutory bodies to report concerns about people at risk of extremism under the Prevent Initiative.
Data Protection Act 2018 and General Data Protection Regulation (GDPR)	Regulates the processing of information about individuals. This includes the retention and using and disclosing of personal information. This includes information relating to safeguarding children and adults at risk.

Legislation and guidance related to safeguarding **children**

Legislation	Relevance to Safeguarding
Children Act 1989	Key legislation setting out the rights and protection of children. 'The welfare of the child is paramount'.
Children Act 2004	Builds on the Children Act 1989 .
Bichard Enquiry 2004	Inquiry into the Soham Murders, sets out the basis for Criminal Records Checks for those working with vulnerable groups. Later became part of the DBS.
Safeguarding children in whom illness is fabricated or induced 2005	Statutory guidance for the protection of children where parents or carers may be fabricating or inducing illness in them.
Safeguarding Children from abuse linked to a belief in spirit possession 2007	Good practice guidance to support Working together to Safeguard Children where there is a specific concern about a belief in spirit possession.
Safeguarding Children and young people from exploitation 2009	Statutory guidance for those working with children and young people at risk of exploitation. The particular focus of this guidance is the importance of organisations working together
Munro review of child protection in England 2011	Sets out proposals for the reform of the child protection system in England so that it is a more child-centred system of support and protection.
Children and Families Act 2014	Practice guidance enacting many proposals form the Munro review.
Keeping children safe in education 2018	Guidance to schools and colleges designed to give greater protection to children and young people who may be vulnerable.
What to do if you are worried that a child is being abused 2015	Guidance document for adults working with children and young people to help them identify the signs of child abuse and neglect and understand what action to take.
Working Together to Safeguard Children 2018	Updated guidance on inter-agency working and co-operation to safeguard children and young people. Requires all organisations working with children and young people, including churches and other faith organisations to have policies and procedures in place to safeguarding and promote their welfare.

Legislation and guidance related to safeguarding **adults at risk**

Legislation	Relevance to Safeguarding
No Secrets 2000	Guidance written by the Department of Health. Developed and implemented inter-agency policies and procedures to protect adults at risk. As part of this they established Local Safeguarding Boards.
The Mental Capacity Act 2005	Defines 'capacity' and sets in place a process for including issues around mental capacity in decision making.
Safeguarding Vulnerable Groups Act 2006	Established the Independent Safeguarding Authority (later part of the DBS) and set the definition of vulnerable adult. Also referred to the Mental Capacity Act in determining how safeguarding concerns about adults are dealt with.
The Mental Health Act 2007	Draws together and amends other legislation linked to mental health and vulnerable adults: Mental Health Act 1983, Mental Capacity Act 2005, Domestic Violence, Crime and Victims Act 2004.
The Care Act 2014	Legislation that introduces the 'well-being' principle and the term Adults at risk of abuse or neglect (Adults at Risk).
Care and Support Guidance issued under the Care Act 2014	Guidance on the implementation of the Care Act 2014 and embedding of the Act in professional practice.
Local Responsibilities for Information sharing under the Care Act 2014	Guidance on the implementation of the Care Act 2014 specifically focused on the responsibility of local authorities to establish Safeguarding Boards and co-operate with relevant partner agencies in meeting the needs of Adults at risk of harm or neglect.