Safeguarding children and vulnerable adults: useful policy documents

Safeguarding children

The first national guidelines for dealing with child abuse issues were produced in 1974, following an inquiry into the death of Maria Colwell in 1973. Further deaths in the 1980s also prompted inquiries, leading the Department of Health to publish Protecting children in 1988. This document expanded on types of abuse beyond physical abuse, to address issues surrounding neglect and sexual and emotional abuse – the Children Act then followed in 1989.

The following section provides a chronological overview of legislation that impacts on procedures relating to the safeguarding of children and highlights important issues arising from this legislation.

Children Act 1989 and Children Act 2004
The Children Act 1989 provides a comprehensive framework for the care and protection of children. It centres on the welfare of children up to their 18th birthday, defines parental responsibility and encourages partnership-working with parents. It continues to be important that concerns about children are discussed with parents, unless there is a risk of harm to the child or the professional. The reason for deciding not to share information or concerns with a parent should be documented. Issues of race, religion, culture and language were also considered in a holistic approach and inter-agency co-operation encouraged. This provided the legislative framework for procedures relating to the safeguarding of children.

The Children Act 2004 strengthened the 1989 act, reinforcing the message that all organisations that work with children and families share a commitment to safeguard and promote their welfare; for many agencies that is underpinned by a statutory duty or duties. Note: all NHS agencies and those commissioned by the NHS have a statutory duty towards safeguarding children. Section 13 of the Children Act 2004 sets out a requirement for the establishment of a Local Safeguarding Children Board (LSCB) in each local authority area. The membership of each LSCB is made up of relevant statutory partners who are responsible for the overseeing of all issues relating to the safeguarding of children across the local authority area.

Working together to safeguard children (2013) (reference 6)
Working together to safeguard children (2013) sets out how organisations and individuals should work in partnership to safeguard and promote the welfare of children. The guidance was an update to the previous document titled Working together to safeguard children (2010). The new version reflects developments in legislation, policy and practice. This guidance outlines the key responsibilities for those who have specific duties to safeguard children. Part 1 of the document is issued as statutory guidance; part 2 incorporates good practice information. Clear guidance is provided as to the functions of an LSCB.
Part 1 (statutory guidance), chapter 2 of the document clearly defines the role of health professionals and organisations in safeguarding and promoting the welfare of children. The general principles to be applied are:

- aim to ensure that all affected children receive appropriate and timely therapeutic and preventative interventions
- those professionals who work directly with children should ensure that safeguarding and promoting their welfare forms an integral part of all stages of the care they offer
- those professionals who come into contact with children, parents and carers in the course of their work also need to be aware of their safeguarding responsibilities
- ensure that all health professionals can recognise risk factors and contribute to reviews, enquiries and child protection plans, as well as planning support for children and providing ongoing promotional and preventative support through proactive work.

The document outlines the new statutory requirement (since April 2008) to review all child deaths and the need for professional involvement. The guidance also sets out the regulations that organisations must adhere to. These include the need for criminal record bureau (CRB) checks for all staff (including agency staff, students and volunteers) working with children.

Part 2 (non-statutory guidance), chapter 9 summarises available lessons from research and the impact of maltreatment on children’s health and development. It highlights that where children or young people are living in particularly stressful circumstances there is a requirement on professionals to take special care to help safeguard them.

These circumstances would include:

- living in poverty
- where there is domestic violence
- where a parent has a mental illness
- where a parent is misusing drugs or alcohol
- where a parent has a learning disability
- racism and other forms of social isolation
- living in areas with a high level of crime, poor housing and high unemployment.

*Working together to safeguard children* (2013) also provides guidance on how to intervene with:

- children living away from home
- children involved in sexual exploitation
- disabled children
- child pornography and the internet.

Section 2.9 of the document states: ‘All healthcare organisations must ensure they have in place safe recruitment policies and practices, including enhanced criminal record bureau (CRB) checks, for all staff including agency staff, students and volunteers.’

For further information visit: [http://www.workingtogetheronline.co.uk](http://www.workingtogetheronline.co.uk).
**Intercollegiate Document: Safeguarding Children and Young People: roles and competencies for healthcare staff (reference 1)**

In response to *Working Together to Safeguard Children*, the Royal Colleges and a number of professional bodies collaborated to produce this document to clarify the competencies required for healthcare staff with regard to safeguarding children and young people. Competencies in terms of knowledge, skills, attributes and values are listed for six levels. Levels 1 to 3 apply to groups of healthcare staff:

- **Level 1**: non-clinical staff working in healthcare settings
- **Level 2**: minimum level required for clinical staff who have some degree of contact with children and young people and/or parents/carers
- **Level 3**: clinical staff who are working with children, young people and/or their parents or carers and who could potentially contribute to assessing, planning, interviewing and evaluating the needs of a child or young person and parenting capacity where there are safeguarding/child protection concerns
- **Levels 4-5**: relate to specific safeguarding roles.

The second section of the document outlines issues relating to acquiring and maintaining knowledge and skills.


**The Victoria Climbié Inquiry Report**

The report into the death of Victoria Climbié detailed a catalogue of administrative, managerial and professional failures. It outlined a number of occasions in which the most minor and basic intervention on the part of the staff concerned could have made a material difference to the eventual outcome.

The chairman of the inquiry, Lord Laming, reported that in general the required legislation was in place, but that there were failures to implement it. Senior staff were criticised for poor organisation and delivery of services, lack of accountability and the low priority given to keeping children safe. The report outlined three areas for improvement:

- a fundamental change in the focus of managers in key public services towards the quality of front-line services and away from bureaucracy
- a clear and unambiguous line of managerial accountability both within and across public services
- the replacement of Area Child Protection Committees with LSCBs that will have statutory powers.

For further information on the Victoria Climbié inquiry, see: [http://vcf-uk.org](http://vcf-uk.org).


Following the death of Baby Peter Connelly, the government requested that Lord Laming provide an urgent report on the progress being made across the country to implement arrangements for safeguarding children. He confirmed that although robust legislative, structural and policy foundations were in place and that progress had been made in protecting children from harm: ‘much
more needs to be done to ensure that the services are as effective as possible at working together to achieve positive outcomes for children’.

Lord Laming made 58 additional recommendations relating to:

- leadership and accountability
- support for children
- inter-agency working
- children's workforce
- improvement and challenge
- finance
- legal framework.

For further information on this report, see: http://www.education.gov.uk/publications/standard/publicationdetail?page1/HC%20330.
Safeguarding vulnerable adults

No secrets: Guidance on developing and implementing multi-agency policies and procedures to protect vulnerable adults from abuse (reference 2)
This document gives statutory guidance to local agencies that have a responsibility to investigate and take action when a vulnerable adult is believed to be suffering abuse. No secrets gives local councils the responsibility of establishing and coordinating multi-agency procedures for responding to allegations of abuse. It offers guidance on the development of inter-agency policies, procedures and joint protocols that draw on good practice locally and nationally. The document recommends that care providers produce internal guidelines that include the following:

- identifying vulnerable adults who are particularly at risk
- recognising risk from different sources and in different situations and recognising abusive behaviour from other service users, colleagues and family members
- routes for making a referral and channels of communication within and beyond the agency
- assurances of protection for whistleblowers
- working within best practice as specified in contracts
- working within and co-operating with regulatory mechanisms
- working within agreed operational guidelines to maintain best practice in relation to:
  - challenging behaviour
  - personal and intimate care
  - control and restraint
  - sexuality
  - medication
  - handling of user’s money
  - risk assessment and management.

Safeguarding adults at risk of harm: A legal guide for practitioners
This guidance was developed to give practitioners a comprehensive guide to the legal framework underpinning the safeguarding of adults. Part A of the guide is a series of case studies where each situation is considered and followed by a description of how current law and legislation are applicable to that case. The main part of the guide is part B, which sets out the legal framework for the implementation of the No secrets guidance and safeguarding vulnerable adults.


Deprivation of Liberty Safeguards
This document was developed to provide safeguards for people who lack the capacity to consent for their treatment in a hospital or care home but for whom detention under the Mental Health Act 2007 is inappropriate at that time. In these circumstances, an individual can be deprived of their liberty in a hospital or care home (public or private) if it is in their best interests, although it should be for no longer than necessary.

The safeguards apply to patients who as a result of a mental disorder do not have the capacity to consent to arrangements relating to their care. Such individuals may include patients with dementia or learning difficulties.
A person may be deprived of their liberty if:

- it is in their own best interests to protect them from harm
- it is an appropriate response to the likelihood and seriousness of harm
- there is no less restrictive alternative.

Deprivation of liberty cannot be used as a form of punishment or for the convenience of healthcare professionals or carers.

Deprivation of liberty of an individual must be authorised by a supervisory body (for example, a primary care organisation) who will commission the required assessments to make a judgement.

Steps that can be taken by an organisation to avoid depriving an individual of their liberty include ensuring that they retain contact with family, friends and carers.

For more information on Deprivation of Liberty Safeguards, the full document can be accessed at: http://www.dh.gov.uk/prod_consum_dh/groups/dh_digitalassets/@dh/@en/documents/digitalasset/dh_087309.pdf.