

Appendix B

Guidance and Legislation

Children Act 1989 – provides legislation to ensure that the welfare and developmental needs of children are met, including their need to be protected from harm. The welfare of the child is paramount.

Children Act 2004 – Section 11 places a duty on all organisations to ensure that their functions are discharged with regard to the need to safeguard and promote the welfare of children. The Act offered the legislative framework for the implementation of the Every Child Matters principles which are considered to be integral to achieving positive outcomes and life chances for all children and young people from birth into adulthood. These principles are:

- Being healthy
- Staying safe
- Enjoying and achieving
- Making a positive contribution
- Achieving economic wellbeing

Working Together to Safeguard Children 2018 - this statutory guidance as revised by the government in 2018 details the roles and responsibilities of all agencies with the aim of promoting effective working together to promote the welfare and safety of children. To view the 2018 Working Together to Safeguard Children statutory guidance please go to; <http://www.gov.uk/government/publications/working-together-to-safeguard-children--2>

Inter-agency procedures for safeguarding children and promoting their welfare in Staffordshire are available on line at www.staffsscb.org.uk.

Care Act 2014 – builds on recent reviews and reforms, replacing previous legislation to provide a coherent approach to adult social care in England. Part one of the Act (and its statutory guidance) consolidates and modernises the framework of care and support law; it set out new duties for local authorities and partners, and new rights for service users and carers. The Care Act 2014 places a general duty on local authorities to promote the wellbeing of individuals when carrying out care and support functions.

The definition of wellbeing includes:

- personal dignity including treating individuals with respect
- physical and mental health and emotional wellbeing
- protection from abuse and neglect
- control by the individual over day-to-day life
- participation in work, education, training or recreation
- social and economic wellbeing
- domestic, family and personal relationships
- suitability of living accommodation
- the individual's contribution to society

(Department of Health, 2014)

Further information can be found at

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

Mental Capacity Act 2005 - provides a framework to empower and protect people who may lack capacity to make some decisions for themselves. The Act makes clear who can take decisions in which situations, and how they should go about this. Anyone who works with or cares for an adult who lacks capacity must comply with the MCA when making decisions or acting for that person. This applies whether decisions are life changing events or more every day matters and is relevant to adults of any age, regardless of when they lost capacity.

Disclosure and Barring Service (formerly the Criminal Records Bureau (CRB) and Independent Safeguarding Authority (ISA).

Interagency Procedures for Adult Protection in Staffordshire can be found at <http://www.staffordshire.gov.uk/advice-and-support-and-care-for-adults/adult-social-care.aspx>

There is a wide range of associated legislation and guidance available, see the Office of Public Sector Information for more information (www.legislation.gov.uk)