

Supporting Document

Summary

This supporting document captures the relevant laws, regulations and guidance, that influences and supports the work we deliver both in the UK and our international work.

| | |
|-----------------------------------|------------------------------------|
| Policy owner | Chief Operating Officer |
| Policy lead | Head of Safeguarding |
| Audience | All Our People |
| Legislation and regulation | Listed in this supporting document |
| Formally endorsed by | Risk and Assurance Committee |
| Endorsement date | December 2023 |
| Next review | December 2026 |

1 Introduction

- 1.1 This Annex supports the Safeguarding Policy and our compliance with the requirements of relevant UK legislation and international guidance. Where legislation is contrary to the commitments of this policy, we aim to achieve the highest standard of protection.

2 Key words and terms

- 2.1 See Appendix 2 of the Safeguarding Policy

3 Document statement

Purpose and aims

- 3.1 The purpose and aims are to ensure all our people can work confidently and safely within relevant UK Legislation, Local Authority guidance and International guidance, and to provide our people with clear direction that ensures individual responsibilities within UK legal and regulatory frameworks that govern safeguarding work.

Scope

- 3.2 The document applies to all our people and our work both the UK and Internationally.

4 Laws and regulations

Children

- 4.1 Legislation relating to the protection of children is set out in different frameworks across the UK.

England and Wales

[The Children Act 2004](#)

[Children Act 2004 \(legislation.gov.uk\)](#)

The act creates a duty for the key agencies who work with children to put in place arrangements to make sure that they take account of the need to safeguard and promote the welfare of children. Whilst this duty is aimed at agencies in the statutory sector, we reference this as good practice.

[Working together to safeguard children - GOV.UK \(www.gov.uk\)](#)

The working together Safeguard Children Guidance recognises that many voluntary agencies are active in taking steps to safeguard the children they engage with. The guidance states that organisations in the voluntary sector that work with children need to have arrangements in place to safeguard children in the same way as organisations in the public sector.

Northern Ireland

[The Children \(Northern Ireland\) order 1995](#)

[The Children \(Northern Ireland\) Order 1995 \(legislation.gov.uk\)](#)

Sets out the framework for the care and upbringing of children and outlines their rights and responsibilities.

Wales

[The Social Services and Well-being Act \(Wales\) 2014](#)

[Social Services and Well-being \(Wales\) Act 2014 \(legislation.gov.uk\)](#)

This Act has a broader scope and covers both children and adults. It aims to promote the well-being independence and protection of individuals in need of care and support. It introduced a duty to report to the local authority if any child is suspected of being at risk or experiencing abuse or neglect.

Scotland

[The Children and Young People Act \(Scotland\) 2014,](#)

[Part One: Services In Relation To Children At Risk Of Becoming Looked After And The Legal Framework - Children and Young People \(Scotland\) Act 2014: National Guidance on Part 12: Services in relation to Children at Risk of Becoming Looked After, etc - gov.scot \(www.gov.scot\)](#)

The Act sets out the legal duties and responsibilities of agencies and professionals involved in protecting children and promoting their welfare. It has also introduced a national guidance called National Guidance for Child Protection in Scotland.

[Protection of Children \(Scotland\) Act 2003 \(legislation.gov.uk\)](#)

This Act was introduced to establish and maintain a list of persons who are considered unsuitable to work with children.

Guernsey

[Child Protection Law](#)

[Children Law - Child Protection Guidelines \(iscp.gg\)](#)

The children (Guernsey and Alderney) Law 2008 outlines the responsibilities of parents, guardians, and other individuals involved in the care of children.

Isle of Man

[The Safeguarding Act 2018](#)

[iom-safeguarding-together.pdf \(gov.im\)](#)

Requires the Board to develop policies and procedures for safeguarding and promoting the welfare of children and safeguarding and protecting vulnerable adults.

Jersey

[Children \(Jersey\) Law 2014](#)

[Children and Young People \(Jersey\) Law 2022 \(jerseylaw.je\)](#)

The Act makes provision to promote and support the wellbeing, and safeguard the welfare, of children and young people and for connected purposes.

Jersey Safeguarding Partnership Board

The Safeguarding Partnership Board has responsibility for promoting understanding of safeguarding, helping agencies to work together to safeguard children and adults at risk, and monitor how effectively agencies are working together to keep adults and children safe.

UK

[Female Genital Mutilation \(FGM\) act 2003,](#)

[Female Genital Mutilation Act 2003 \(legislation.gov.uk\)](#)

Makes it illegal to perform FGM, assist in performing FGM, or to arrange for a girl or woman to undergo FGM. The legislation has been amended for the whole of the UK, placing a duty on professionals to report all known cases of FGM in girls under 18 to the police.

UK

[The Terrorism Act 2000 and the Counter Terrorism Act 2008](#)

[Counter-Terrorism Act 2008 \(legislation.gov.uk\)](#)

The Act consists of key pieces of legislation that impose obligations on public bodies to report any suspicions or information related to terrorism or the appropriate authority. Counter terrorism legislation places a duty on public bodies to report to the police where they suspect a person is being radicalised to commit offences.

UK

[The Online Safety Act 2023](#)

[Online Safety Act 2023 - Parliamentary Bills - UK Parliament](#)

Adults

- 4.2 Legislation and regulations relating to the safeguarding and well-being of adults also has different frameworks across the UK.

England

[The Care Act 2014 \(England\)](#)

<http://www.legislation.gov.uk/ukpga/2014/23/introduction/enacted>

The Care Act introduces new responsibilities for local authorities. It also has major implications for adult care and support providers, people who use services, carers, and advocates.

England and Wales

[Ill treatment or wilful neglect](#)

[Ill-treatment or wilful neglect offences - Sections 20 to 25 of the Criminal Justice and Courts Act 2015 | The Crown Prosecution Service \(cps.gov.uk\)](#)

It is an offence under the Criminal Justice and Courts Act 2015 for an individual who has the care of another individual by virtue of being a care worker to ill-treat or wilfully to neglect that individual.

[Older People: Prosecuting Crimes against | The Crown Prosecution Service \(cps.gov.uk\)](#)

In addition to the more common offences the above link will take you to a list of other offences which may be relevant to working with vulnerable people.

Deprivation of Liberty Safeguards (DoLS)

<https://www.gov.uk/government/collections/dh-mental-capacity-act-2005-deprivationof-liberty-safeguards>

The purpose of DoLS is to provide safeguards for individuals who lack the mental capacity to consent to arrangements that may deprive them of their liberty.

Northern Ireland

[Adult Safeguarding: Prevention and Protection in Partnership](#)

[Adult Safeguarding: Prevention and Protection in Partnership | Department of Health \(health-ni.gov.uk\)](#)

The policy is for all organisations working with, or providing services to, adults across the statutory, voluntary, community, independent and faith sectors. It sets clear and proportionate safeguarding expectations across the range of organisations.

[The Mental Health \(Northern Ireland\) Order 1986 subject to amendments\)](#)

[The Mental Health \(Northern Ireland\) Order 1986 \(legislation.gov.uk\)](#)

This Act provides legal framework for the detention, treatment, and care of individuals with mental disorders.

Mental Capacity

[Mental Capacity Act | Department of Health \(health-ni.gov.uk\)](#)

This act addresses decision making capacity and the rights of individuals who lack capacity in relation to their care and treatment.

Scotland

[The Adult Support and Protection \(Scotland\) Act 2007.](#)

<https://www.legislation.gov.uk/asp/2007/10/contents>

The act is designed to protect those adults (16+) who are unable to safeguard their own interests and are at risk of harm because they are affected by, disability, mental disorder, illness.

Code of Practice

<https://www.gov.scot/publications/adult-support-protection-scotland-act-2007-code-practice-3/>

The code provides guidance for councils and other professionals about how to protect adults at risk of harm.

Adults with Incapacity (Scotland) Act 2000.

<https://www.legislation.gov.uk/asp/2000/4/contents>

The Act provides ways to protect and safeguard the welfare and finances of adults who lack capacity to take some or all decisions for themselves because of a mental disorder or an inability to communicate.

Protecting Vulnerable Groups Scheme (PVG Scotland)

<https://www.mygov.scot/disclosure-types>

Disclosure Scotland checks and shares information about people's criminal records. This helps organisations recruit the right people for certain types of work (with children or adults at risk)

Wales

Social Services and Well-being Act (Wales) 2014.

[Social Services and Well-being \(Wales\) Act 2014 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/2014/16/contents)

The Act has a broader scope and covers both children and adults. It aims to promote the well-being independence and protection of individuals in need of care and support.

Guernsey

Adult Safeguarding

[Adult Safeguarding - States of Guernsey \(gov.gg\)](https://www.guernsey.gov.gg/en/legislation/acts/2014/0001)

The policy is designed to protect and promote the welfare and wellbeing of adults who may be at risk of abuse or neglect.

Isle of Man

Adult Safeguarding

[Safeguarding Act 2018 \(gov.im\)](https://www.im.gov.im/legislation/acts/2018/0001)

Requires the Board to develop policies and procedures for safeguarding and promoting the welfare of children and safeguarding and protecting vulnerable adults.

Jersey

Adult Safeguarding

[Jersey Safeguarding Partnership Board](https://www.jersey.gov.gg/en/legislation/acts/2014/0001)

The Safeguarding Partnership Board has responsibility for promoting understanding of safeguarding, helping agencies to work together to safeguard children and adults at risk. Monitor how effectively agencies are working together to keep adults and children safe.

UK

(The below legislation applies to the whole UK but there may be some variations of the implementation and specific processes followed in each of the devolved nations)

Modern Slavery

[Modern Slavery Act 2015 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/2015/31/contents)

The Act was introduced to consolidate and strengthen existing laws related to slavery, human trafficking, forced labour and exploitation.

Sexual Offences Act 2003.

[http://www.legislation.gov.uk/ukpga/2003/42/contents](https://www.legislation.gov.uk/ukpga/2003/42/contents)

www.opsi.gov.uk

The Sexual Offences Act introduced several new offences concerning vulnerable adults and children.

[Mental Capacity Act](#)

[Mental Capacity Act 2005 \(legislation.gov.uk\)](http://legislation.gov.uk)

www.dca.gov.uk

The Act sets out principles and procedures for assessing mental capacity, making decisions in the best interests of individuals who lack capacity.

[Safeguarding Vulnerable Groups Act 2006.](#)

[Safeguarding, vulnerable clients and DBS | NCVO](#)

The Act was introduced to help avoid harm, or the 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.

[Disclosure Checks](#)

[Disclosure and Barring Service - GOV.UK \(www.gov.uk\)](#)

The legislation covers several other acts and regulations and guidance to establish a framework for conducting criminal records checks, maintaining barred lists and ensuring employers make informed decisions when hiring individuals for roles involving vulnerable groups.

[Public Interest Disclosure Act 1998](#)

[Public Interest Disclosure Act 1998 \(legislation.gov.uk\)](http://legislation.gov.uk)

This legislation provides protection to employees who may protected disclosures(whistleblowing) It allows individuals to report certain types of wrongdoing.

[The Online Safety Act 2023](#)

[Online Safety Act 2023 - Parliamentary Bills - UK Parliament](#)

International (covering children and adults)

4.3 International legislation and regulation are applicable to all directorates.

[Core Humanitarian Standard on Quality and Accountability \(CHS\)](#)

[CHS \(corehumanitarianstandard.org\)](http://corehumanitarianstandard.org)

The Core Humanitarian Standard on Quality and Accountability (CHS) is a set of guidelines and principles developed by the humanitarian sector to ensure the delivery of high-quality, effective, and accountable humanitarian assistance. The CHS was established to improve the quality of humanitarian responses and enhance the accountability of humanitarian actors to affected populations.

[Inter-agency Standing Committee \(IASC\) Six Core Principles Relating to Sexual Exploitation and Abuse, 2019](#)

[IASC Six Core Principles Relating to Sexual Exploitation and Abuse, 2019 | IASC \(interagencystandingcommittee.org\)](http://interagencystandingcommittee.org)

These six core principles set out the absolute minimum standard of ethical behaviour for humanitarian actors relating to sexual exploitation and abuse.

[Inter-Agency Standing Committee Minimum Operating Standards: Protection from Sexual Exploitation and Abuse by Own Personnel \(MOS-PSEA\)](#)

Minimum Operating Standards - Protection from Sexual Exploitation and Abuse by own Personnel | IASC (interagencystandingcommittee.org)

To provide protection from sexual exploitation and abuse (PSEA) by own personnel the compliance with a set of Minimum Operating Standards for PSEA (MOS- PSEA) is required.

International Child Safeguarding Standards, Keeping Children Safe, 2021
International Child Safeguarding Standards resources
(keepingchildrensafe.global)

The International Child Safeguarding Standards are a set of guidelines and principles aimed at ensuring the safety and protection of children in various organizations, institutions, and contexts. These standards provide a framework for organizations to create safe environments for children by online and responding to risks of harm, abuse, and exploitation.

Sphere Standards, updated 2021

Sphere | A global community committed to humanitarian quality and accountability. (spherestandards.org)

Sphere defines, promotes and applies humanitarian principles and minimum standards in four life-saving areas: water, sanitation and hygiene promotion; food security and nutrition; shelter and settlement; and health.

United Nations Convention on the Rights of the Child, adopted in 1989
UN Convention on the Rights of the Child

The Convention is an international human rights treaty that outlines the fundamental rights and protections that should be afforded to all children worldwide.

5 **Monitoring and compliance**

- 5.1 Please refer to the Safeguarding Policy.

6 **Training and support**

- 6.1 Please refer to the Safeguarding Policy.

7 **Review and maintenance**

- 7.1 The document will be reviewed in conjunction with the Safeguarding Policy and following any amendments to relevant Legislative, Local Authority and Internal Guidance.

8 **Appendices**

- 8.1 Where necessary, policies may be supplemented, supported or complemented by other documents. At a minimum the appendices should include:
- 8.2 Appendix 1: related documents
- 8.3 Appendix 2: document provenance
- 8.4 Appendix 3: impact assessments

Appendix 1: related documents

| Document title | Relationship to this policy |
|--|--|
| It is important to list any documents – other policies, procedures, guidance documents, templates, forms – which people may need to refer to or to be aware of in relation to this policy. | Mentioned in this policy / supports implementation of this policy / Related document |
| | |
| | |

Appendix 2: document provenance

| Date endorsed | Category | Summarise changes made | Reason for changes | Consulted | Changes endorsed by |
|---------------|-------------------------------------|-------------------------------|-----------------------------------|--------------------------|----------------------------|
| [month/year] | [Scheduled review / Interim update] | [list changes made to policy] | [List the reason for the changes] | [List who was consulted] | [Job title/Board/ELT/OSIT] |
| Aug 2023 | New document | Creation of document | New policy framework | Safeguarding Team | |
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Appendix 3: impact assessment

Impact assessments for this document are not required.