

*Draft Regulations laid before the National Assembly for Wales under section 196(6) of the Social Services and Well-being (Wales) Act 2014, for approval by resolution of the National Assembly for Wales.*

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DRAFT WELSH STATUTORY  
INSTRUMENTS

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**2015 No. (W.)**

**SOCIAL CARE, WALES**

**The Safeguarding Boards  
(Functions and Procedures) (Wales)  
Regulations 2015**

**EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations provide for the functions and procedures of Safeguarding Children Boards and Safeguarding Adults Boards (referred to in these Regulations as “Safeguarding Boards”), which are established under section 134 of the Social Services and Well-being (Wales) Act 2014 (“the Act”).

Regulations 3 and 4 make provision about the functions of Safeguarding Boards and regulation 5 makes provision about their procedures.

Regulation 6 requires Safeguarding Boards to give children or adults who are, or may be, affected by the exercise of the Board’s functions, an opportunity to participate in the Board’s work.

The Welsh Ministers’ Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result a Regulatory Impact Assessment has been prepared as to the likely costs and benefits of complying with these Regulations. A copy can be obtained from Social Services and Integration Directorate, Welsh Government, Cathays Park, Cardiff, CF10 3NQ.

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**2015 No. (W.)**

**SOCIAL CARE, WALES**

**The Safeguarding Boards  
(Functions and Procedures) (Wales)  
Regulations 2015**

*Made* 2015

*Coming into force* 6 April 2016

The Welsh Ministers make the following Regulations in exercise of the powers conferred by section 135(4) of the Social Services and Well-being (Wales) Act 2014 (1).

In accordance with section 196(6) of that Act, a draft of this instrument was laid before and approved by a resolution of the National Assembly for Wales.

**Title, commencement and application**

1.—(1) The title of these Regulations is the Safeguarding Boards (Functions and Procedures) (Wales) Regulations 2015.

(2) These Regulations come into force on 6 April 2016.

(3) These Regulations apply in relation to Wales.

**Interpretation**

2. In these Regulations—

“the Act” (“*y Ddeddf*”) means the Social Services and Well-being (Wales) Act 2014;

“action plan” (“*cynllun gweithredu*”) means a written report produced by a Board at the same

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(1) 2014 anaw 4.

time as a practice review report, detailing action to be taken by the representative bodies as a result of the findings and recommendations of the practice review report;

“adults” (*“oedolion”*) means adults who are, or may be, affected by the exercise of a Board’s functions;

“Board” (*“Bwrdd”*) means a Safeguarding Board;

“child protection register” (*“cofrestr amddiffyn plant”*) means a list created and held by a local authority which contains the names of children who are the subject of a child protection plan<sup>(1)</sup> as a result of a decision of a child protection conference that the child is at continuing risk of significant harm in the form of physical abuse, emotional abuse, sexual abuse or neglect;

“children” (*“plant”*) means children who are, or may be, affected by the exercise of a Board’s functions;

“looked after child” (*“plentyn sy’n derbyn gofal”*) means a child looked after by:

- (a) a local authority under section 74(1) of the Act,
- (b) a local authority in England under section 22(1) of the Children Act 1989<sup>(2)</sup>,
- (c) a local authority in Scotland in accordance with Chapter 1 of Part 2 of the Children (Scotland) Act 1995<sup>(3)</sup>,
- (d) a Health and Social Care trust in accordance with article 25 of the Children (Northern Ireland) Order 1995<sup>(4)</sup>;

“multi-agency learning event” (*“digwyddiad dysgu amlasiantaethol”*) means an event which forms part of the practice review process to which a Board invites practitioners and managers from representative bodies and any other bodies or persons deemed relevant by the Chair of the Board and who are or have been involved with the person who is the subject of the review, with the purpose of improving future child or adult protection policy and practice;

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(1) A “child protection conference” is a multi-disciplinary meeting organised by a local authority following enquiries under section 47 of the Children Act 1989 (c. 41) (local authority’s duty to investigate) in order to consider all relevant information about the child’s circumstances. If it is considered that the child is at continuing risk of significant harm a “child protection plan” will be made which sets out details of the specific risks to the child and the actions that will be needed to keep the child safe.

(2) 1989 c. 41.

(3) 1995 c. 36, see section 17(6) of that Act.

(4) S.I. 1995 / 755 (N.I. 2).

“multi-agency professional forums (*fforymau proffesiynol amlasiantaethol*)” means the forums, arranged and facilitated by a Board for practitioners and managers from representative bodies, and other bodies or persons deemed relevant by the Chair of the Board, with the purpose of learning from cases, audits, inspections and reviews in order to improve future child or adult protection policy and practice;

“National Board” (*Bwrdd Cenedlaethol*)” means the National Independent Safeguarding Board established by section 132(1) of the Act;

“practice review” (*adolygiad ymarfer*)” means either a concise practice review or an extended practice review as provided for in regulation 4;

“Safeguarding Board” (*Bwrdd Diogelu*)” means a Safeguarding Children Board(1) or a Safeguarding Adults Board(2).

### Functions of Safeguarding Boards

3.—(1) Paragraph (2) specifies the functions of—

- (a) a Safeguarding Children Board in relation to its objectives under section 135(1)(3) of the Act, and
- (b) a Safeguarding Adults Board in relation to its objectives under section 135(2)(4) of the Act.

(2) The functions are—

- (a) to cooperate with other Safeguarding Boards and the National Board with a view to—

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- (1) Safeguarding Children Boards are established by the Safeguarding Board lead partner in relation to children for the area in accordance with section 134(4) of the Social Services and Well-being Wales Act 2014 (“the Act”). Safeguarding Board lead partners are specified by the Welsh Ministers in the Safeguarding Boards (General) (Wales) Regulations 2015 (S.I. ) from among the list of Safeguarding Board partners set out in section 134(2) of the Act.
  - (2) Safeguarding Adults Boards are established by the Safeguarding Board lead partner in relation to adults for the area in accordance with section 134(5) of the Act.
  - (3) The objectives of a Safeguarding Children Board under section 135(1) are:
    - (a) to protect children within its area who are experiencing, or are at risk of, abuse, neglect or other kinds of harm, and
    - (b) to prevent children within its area from becoming at risk of abuse, neglect or other kinds of harm.
  - (4) The objectives of a Safeguarding Adults Board under section 135(2) of the Act are:
    - (a) to protect adults within its area who-
      - (i) have needs for care and support (whether or not a local authority is meeting any of those needs), and
      - (ii) are experiencing, or at risk of, abuse or neglect, and
    - (b) to prevent those adults within its area mentioned in paragraph (a)(i) from becoming at risk of abuse or neglect.

- (i) contributing to the development and review of national policies and procedures for Safeguarding Boards,
- (ii) implementing national policies and procedures recommended by, and guidance and advice given by, the National Board;
- (b) to raise awareness throughout the Safeguarding Board area of the Board's objectives and how these might be achieved;
- (c) to undertake relevant reviews, audits and investigations;
- (d) to review the efficacy of measures taken by the Board to achieve the Board's objectives;
- (e) to make recommendations in light of those reviews, to monitor the extent to which those recommendations are carried out and to take appropriate action where it is shown that the Board's objectives are not being fulfilled;
- (f) to disseminate information about those recommendations to other appropriate Safeguarding Boards and the National Board;
- (g) to facilitate research into protection of, and prevention of abuse and neglect of, children or adults at risk of harm;
- (h) to review the training needs of and promote the provision of suitable training for persons working to achieve the Board's objectives;
- (i) to arrange and facilitate an annual programme of multi-agency professional forums;
- (j) to cooperate or act jointly with any similar body situated in any jurisdiction where the Board considers that this will assist it to fulfil its objectives;
- (k) to obtain specialist advice or information relevant to the attainment of the Board's objectives;
- (l) to undertake practice reviews in accordance with regulation 4.

### **Practice reviews**

4.—(1) A Board must undertake a practice review in accordance with this regulation.

(2) The purpose of a practice review is to identify any steps that can be taken by Safeguarding Board partners or other bodies to achieve improvements in multi-agency child and adult protection practice.

(3) A Board must undertake a concise practice review in any of the following cases, where within

the area of the Board, abuse or neglect of a child or adult is known or suspected and—

- (a) the child or adult has—
  - (i) died, or
  - (ii) sustained potentially life threatening injury, or
  - (iii) sustained serious and permanent impairment of health or development; and
- (b) in respect of a child, the child was neither on the child protection register nor was a looked after child on any date during the 6 months preceding—
  - (i) the date the event referred to in sub-paragraph (a)(i) or (a)(ii), or
  - (ii) where sub-paragraph (a)(iii) applies, the date on which a local authority, person or body referred to in section 28 of the Children Act 2004<sup>(1)</sup> or a body mentioned in section 175 of the Education Act 2002<sup>(2)</sup> identifies that a child has sustained serious and permanent impairment of health and development; and
- (c) in respect of an adult, that adult has not been, on any date during the 6 months preceding the date of the event referred to in in sub-paragraph (a), a person in respect of whom a local authority has determined to take action to protect from abuse or neglect in accordance with section 32(1)(b)(i) of the Act following enquiries by a local authority under section 126(2) of the Act.

(4) A Board must undertake an extended practice review in any of the following cases where, within the area of the Board, abuse of a child or adult is known or suspected and—

- (a) the child or adult has—
  - (i) died, or
  - (ii) sustained potentially life threatening injury, or
  - (iii) sustained serious and permanent impairment of health or development; and
- (b) in respect of a child, the child was on the child protection register and/or the child was a looked after child on any date during the 6 months preceding—

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(1) 2004 c. 31.  
(2) 2002 c. 32.

- (i) the date of the event referred to in sub-paragraph (a)(i) or (a)(ii), or
  - (ii) where sub-paragraph (a)(iii) applies, the date on which a local authority, person or body referred to in section 28 of the Children Act 2004 or body mentioned in section 175 of the Education Act 2002 identifies that a child has sustained serious and permanent impairment of health and development; and
  - (c) in respect of an adult, that adult has been, on any date during the 6 months preceding the date of the event referred to in sub-paragraph (a), a person in respect of whom a local authority has determined to take action to protect from abuse or neglect in accordance with section 32(1)(b)(i) of the Act following enquiries by a local authority under section 126(2) of the Act.
- (5) In undertaking a practice review a Board must—
- (a) ask each representative body to provide the Board with information in writing about its involvement with the child or adult who is the subject of the review;
  - (b) ensure that the perspective of the child or adult who is the subject of the review is obtained and that the subject's perspective contributes to the review process, so far as practicable and appropriate to the circumstances of the case;
  - (c) ensure that the perspectives of members of the family or the appointed representative of the child or adult who is the subject of the review are obtained and these perspectives contribute to the review process, so far as practicable and appropriate to the circumstances of the case;
  - (d) hold a multi-agency learning event following receipt of the written information referred to in sub-paragraph (a);
  - (e) in the case of a concise practice review, ensure that the multi-agency learning event referred to sub-paragraph (d) is organised and facilitated by a single reviewer appointed by the Board;
  - (f) in the case of an extended practice review, ensure that the multi-agency learning event referred to in sub-paragraph (d) is organised and facilitated by two reviewers appointed by the Board;
  - (g) ensure that any reviewer referred to in sub-paragraph (e) or (f) is independent of direct involvement in case work or case

management in respect of the child or adult who is the subject of the review;

- (h) produce a practice review report which recommends what action (if any) is required to be taken following the multi-agency learning event;
- (i) ensure that the practice review report does not reveal the identity or whereabouts of the child or adult who is the subject of the review or that of the subject's family;
- (j) produce an action plan detailing action to be taken by the representative bodies to implement the recommendations of the practice review report;
- (k) provide a copy of the practice review report and action plan to the Welsh Ministers and to the National Board;
- (l) make the practice review report publicly available;
- (m) undertake periodic progress reviews on the implementation of the action plan;
- (n) provide a written report to the Welsh Ministers and to the National Board following any progress review referred to in sub-paragraph (m), reporting on progress in implementing the action plan and the impact on child or adult protection policy and practice in Wales;
- (o) have regard to any guidance given to it by the Welsh Ministers, in exercising its functions under this regulation.

(6) In this regulation “appointed representative” (“*cynrychiolydd penodedig*”) means a person who has authority to speak or act on behalf of a child or an adult.

### **Procedures of Safeguarding Boards**

5.—(1) Subject to the provisions of this regulation, a Safeguarding Board is to determine its own procedures and to make a copy of such procedures publicly available.

(2) At the first meeting of a Board, the members present must appoint one of the members as Chair and one as vice Chair.

(3) The Board must agree rules of procedure for meetings of the Board, to include provision for a person to preside at meetings.

(4) Unless the Board's rules of procedure provide otherwise, the Board must act in accordance with a simple majority vote of the members present, the person presiding at the meeting having a second or casting vote in the event of a tied vote.



(5) At each Board meeting the Board must give consideration as to how it will give children or adults the opportunity to participate in the work of the Board.

(6) At its next meeting after a child or adult has participated in the Board's work, the Board must evaluate the effectiveness of that participation.

(7) The Board must keep minutes of its meetings; the minutes are to record the decisions taken, evidence on which decisions were taken, any views and dissenting views expressed and any discussion about participation by a child or an adult in the Board's work.

(8) The appointment of a Chair or a vice Chair will come to an end if:

- (a) the appointment was for a fixed term and that term expires;
- (b) the person appointed resigns;
- (c) the person appointed is no longer a member of the Board;
- (d) the members, by majority decision, so decide.

### **Opportunity to participate in work of Safeguarding Boards**

6. At least once a year a Safeguarding Board must, as relevant, give children or adults the opportunity to participate in an event at which they will have an opportunity to participate in the Board's work.

Minister for Health and Social Services, one of the  
Welsh Ministers

Date